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THE RIGHT AND IVRISDICTION OF THE PRELATE, and the PRINCE.

OR,

A TREATISE OF ECCLESIASTICALL, and REGALL authoritie.

COMPYLED

BY I. E. STVDENT IN DIVINITIE

for the ful Instruction and appeacemēt of the consciences of English Catholikes, cōcerning the late Oath of pretended Allegance. Togeather with a cleare & Ample declaratiō, of euery clause thereof, newlie reuewed and augmented by the Authoure.

Reddite ergo omnibus debita: cui tributum, tributum: cui vectigal, vectigal: cui timorem, timorem: cui honorem, honorem. Rom. 13.

Render therefore to all men their due: to whom Tribute, Tribute: to whom Custome, Custome: to whom Feare, Feare: to whom Honour, Honour.

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BRITISH MUSEUM

THE EPISTLE
DEDICATORIE.

To the moſt renovvned, and conſtant English
CATHOLIKES.

THIS LIFE OF OVRS, (*Right Honourable, Worſhipful, and worthie Catholikes*) *is a* Raſe, *and courſe, in which we are to runne for the winning of a goale.* (1. Cor. 9.) *It is a* Wraſtling *for a garland of eternall glorie.* (1. Cor. 9.) *It is a* Warfare, *in which we are to fight againſt three mightie, knowne, and profeſſed enemies, for no leſſe then a Kingdome of Heauen. Our life,* (*as* IOB *ſaieth* cap. 7.) *is* Militia ſuper terram; A warfare, *in which we ſtand alwaies vpon our guarde, alwaies in our armour, alwayes with weapon in hand: but it is a* warfare on earth, *for in heauen it is a peace; a labour here, a reſt there; a ſowing in teares here, a*

reaping in ioy there; a ſtorme here, a calme there; a troubleſome ſea here, a quiet hauen there; a battaile here, a triumph there; and therefore the Church is called militant here, triumphant there. Wherefore as the husbandman laboureth in the field, reſteth onely at home: The wayfaring man trauelleth in his waye, takes his eaſe onely in his Inne: The Romanes tryumphed not in the ſame place, in which they waged warre, but made warre in forraine Countries for Townes, Prouinces, and Kingdomes, and tryumphed onely in Rome: So we muſt not looke for eaſe, peace, triumphes, and garlandes in this life; but here we muſt prepare our ſelues to skirmiſhes, encounters, combats, and battailes, and in Heauen onely expect our Triumph. The children of Iſrael got not the land of promiſe, but by the dynt of the ſword, by many encounters and bloudie battailes: neither ſhall wee obtaine heauen, vnleſſe we fight for it. Regnum cœlorum vim patitur, & violenti rapiunt illud, (Mat. 11.) The Kingdome of heauen ſuffereth violence, and the violent beare it away. If we will winne this Cittie, wee muſt lay ſiege vnto it by watching and praying. If we will enter it, we muſt make a breach by the batterie of good workes. If we will take quiet poſſeſſion of it, we muſt make vvarre for it.

2. So that the Church militant, is an armie, and an armie alwaies raunged in battaile array. Terribilis vt Caſtrorum acies ordinata. (Cant. 6.) Terrible as the armie of a Campe ſet in array: In which you ſhal ſee nothing but choros caſtrorum. (Cant. 7.) Companies of Campes. In which armie, the King is Chriſt; his General, is his chiefe

chiefe Vicaire; His Coronelles, are Patriarches, Bishops, and other Prelates; His Captaines, and inferiour Commaunders, are inferiour Priests and Pastours; His souldiers, are the rest of Christian troupes, and Companies. To the furnishing of this Armie, all the Sacraments of the new law are instituted and ordained. Matrimonie *peopleth this armie, and furnisheth it with men.* Baptisme *presseth and enrolleth them.* Confirmation *armeth them, and giueth them their militarie Marke and liuerie. The* Sacred Eucharist *vittaileth the Campe, and furnisheth it with munition bread. The Sacrament of* Order *createth Coronelles, Captaines, and such as are to commaund. The Sacrament of* Penance *healeth, and cureth the souldiers, who in this warre are wounded, and euen reuiueth them, who are slaine and killed.* Extreame vnction *riddeth them, euen of the reliques of the woundes and diseases. And so all Christians are pressed to the warre, and ordained to fight. The whole Church is a raunged Armie, and euery Christian ought to singe that songe, which* DAVID *sunge against* GOLIATH Benedictus Dominus Deus meus, qui docet manus meas ad prælium. & digitos meos ad bellum. (Psal. 42.) Blessed be our Lord my God, who teacheth my handes to battaile, and my fingers to warre.

3. *In this Armie, you, (ô valiant and constant Catholikes) are placed, as in the most dangerous, so in the most honourable rancke and place. For as the Generall placeth there his most expert and hardie souldiers, where the enemies Canon playeth oftenest, the darts and arrowes flye thickest, the pikes are planted*

like a wood most terriblie: so our King CHRIST IESVS, vnder whose banner and colours you fight, knowing your vndaunted courage to be such that (absit verbo inuidia) you are the most valiant souldiers of the present Church militant: he hath placed you against a wood of Pikes, against a shower of Bullets and Pellets, against the most furious assault, that the common enemie giueth to the Christian Armie, and Church militant of Christ.

4. For whereas Christians amongst the Turks, can buy their libertie of Conscience for money, you by no tribute can purchase such a fauour. And whereas in Holland, and other countries, the Magistrate layeth handes on Priests and Catholikes, only when he findeth them at Masse, or diuine seruice; you are searched for more diligently then theeues, murderers, and publike harlots, and are apprehended. euen in the streetes and fieldes. And although in Fraunce and the Low Countries, Catholikes haue heretofore endured intollerable pillages, cruell deathes and torments, yet that furie lasted onely a while, whilest the furie of heresie raged in her hoate beginning: but against you the like furie hath long continued. That cruelty was practised onely by way of tumult, but against you the like sharpnes hath bin vsed, vnder the colour of law, & shew of iustice: So that no Nation, no people Christian endureth at this day for Christ his Church, and her Pastours authoritie, that which you haue endured for these many yeares, without interruption. And whereas the more raging the Tempest is, the sooner it is appeased: & the more furious & bloudie the battaile is, the sooner it is ended: you haue this long time suffered a violent and furious persecution, and yet

you

you ſee no ende of this furie, yea, no hope of an ende, by humane meanes, oulde ſtatutes being ſtill renewed, new enacted. So that you are placed in that place of Chriſts Armie, which is expoſed to the greateſt furie of the Enemie: yea, you are ſet as a Butt or marke, againſt which, the enemies of Gods Church, are permitted to diſcharge all their Artillarie, and to emptie the quiuers of all the pearſing arrowes of afflictions, againſt you: and ſo you may ſay as IOB *did* (Iob. 16.) Poſuit me quaſi ſignum. He bath ſet me to him ſelue as it were a marck *to shoote at. And ſeeing that he bath bene ſo long a ſpectator of theſe shottes, and furious aſſaultes, it ſeemeth he taketh delight and pleaſure, not in your enimies crueltie and furie, but in your dexteritie in warding, conſtancie in keeping your ſtanding, patience in ſuffering and enduring.*

5. *And truely your afflictions ſeeme to me, neither inferiour, nor vnlike to thoſe of* IOB, *and your patience ſeemeth to match and to equalize his; only the order of your afflictions ſeeme different. For he was aſſaulted firſt in his goods, thē in his perſon: you cōtrariewiſe, firſt in your bodies and liues; now in your goods and liuings. The* Sabeians *haue rushed in vpon you, as well as on* IOB, *and haue ſpoyled many of you, impouerished the reſt.* Irruerunt Sabei, tuleruntque omnia. (Iob. 1.) The *Sabeians* came in violently, and haue taken all things from you. the fire alſo of God, fell from heauen, and ſtriking the sheepe (*of* IOB,) and the ſeruants hath conſumed thē. (Iob. 1.) *and a fire not from heauen (vnleſſe by diuine permiſsion) but frō earth: yea, from hell, and the vnquenchable thirſt of hauing, hath conſumed all your ſubſtance. The* Chaldees *made*

three troupes to inuade the Camels of IOB, *& stroke his seruants with the sword.* (Iob 1.) *So haue they by three troupes, to wit*, Concupiscentia carnis *Concupiscence of the flesh.* (1. Ioan. 2.) Concupiscentia oculorum, *concupiscence of the eyes*, and Superbia vitæ, *pride of life, inuaded you : because to satisfie their lust and carnalitie, their auarice, desire of riches, and all that may be seene by the eyes, their pride and ambition of greatnesse, they haue made hauocke of all you haue. A vehement winde blowing boysterously from the country of the Desert, shooke the foure Corners of* Iobs *house, which falling, oppressed his Children.* (Iob. 5.) *The like whirle winde, from the North, and desert of heresie, hath shaken your houses, and by their fall, hath ruinated your families, oppressed your persons, your wiues and children.*

6. *And least the deuill should exprobate vnto you, as he did to* IOB, *that hetherto your goods haue rather suffered, then you ; and that therefore if God would touch your bodie, and corporal life, hee should soone see you breake out into impatience* (because skinne for skinne, and all things that a man hath, he will giue for his life, Iob. 2, *God hath permitted Satan, by his ministers, to haue power ouer your bodies, and corporal life also, as appeareth by the prisons, in which some of you haue rotted, some haue starued, some haue been choaked with stincking ayres, as may easily bee seene by the rackes, in which your ioyntes haue been dissolued, by the Tyburnes, on which you haue been hanged, and vnder which you haue been most butcherlie quartered, & vnbowelled. Yea, to augment your affliction, many of you haue not wanted a* IOBS *wife, carnal and worldly loue, to busse in your*

eares

eares that Carnall counſell, Benedic Deo & morere, (Iob.2.(Curſe God and die; Doe againſt thy Conſcience, frequent hereticall ſeruice, take the oath of pretended Alleageance, rather then vndoe thy ſelfe, thy wife and Children: Yet you haue not fayled with IOB, to reprehend ſuch a wife, and tell her that shee hath ſpoken like one of the foolish woemen. (Iob.2.), as Sir THOMAS MORE told his wife, that she was a foolish marchant, to counſell him to ſell eternitie, for shorte and vncertaine time. Many alſo of you haue not wanted heretickes of your bloud and ſtocke, prefigured by IOBS falſe and fained friends (Iob. 2.) who haue gone about to perſwade you, that theſe miſeries, which oppreſſe you, are befallen you for your obſtinacie in Religion; and yet you haue repelled ſuch deceauing friends; yea, you haue caſt from you ſuch ſcandalyzing eyes, that is, you haue shaken off ſuch friends, though otherwiſe as deare and neceſſarie vnto you, as your eyes, and haue choſen rather to goe to heauen blinde (Matt.8.) then to be directed by ſuch ill-guyding eyes.

8. But ſeeing that God hath not permitted Sathan to haue power ouer your ſoules, but onely ouer your tranſitorie goods, and mortal liues, looſe ye not either hart or courage. Sathan indeede, by his Miniſters (as one telleth you) hath broken downe the walles of your houſe, as no maruaile, it was but of clay, but he could not lay handes on your ſoule (the good man of the houſe) that being forbidden him; he hath broken the cheſt of your bodie; and no maruaile, it was but of rotten board; but he could not finger the treaſure of your faith, Gods grace, and ſuch like Iewels, they being locked vp in the Cabinet, of your couſcience,

of which God and you onely keepe the key. And therefore be yee not dismayed, for the losse of your temporal goods, liuings, and libertie, yea, corporal life, seeing the principal (the soule) is safe, so long as you will. But for all temporal losses, giue God thankes, and say with IOB, Dominus dedit, Dominus abstulit, sit nomen Domini benedictum. *God gaue all this, & he hath taken all awaie, be he praysed as much for the taking awaie, as for the giuing.*

8. *And doe you not imagine, that God hath forsaken you in permitting this pillage of your goods, and sackage of your estates, for such goods are common to the good and bad: rather take it for a signe of his fatherlie loue, in giuing you patience to beare with alacritie all those oppressions; and perswade your selues that* necesse erat, quia accepti eratis Deo, vt tentatio probaret vos. (Tob. 12.) *It was necessarie, because you were acceptable to God, that this tentation should prooue you. God hath indeede cast you into a fornace of tribulation, but as the Potter doth his earthen vessel, to harden it, not to breake it: or as the Goldsmith doth his golde, to purge it, not to consume it. He hath indeede chastised you, but as his deerest children, not as seruants, and out of his loue, more then out of anger, as hee hath dealt with his Apostles, his Martyrs, yea, his Mother, yea his Sonne, and all his deerest. For it is his manner,* to chastice whom he loueth, and to scourge euery childe that hee receaueth. As vnto children hee offereth himselfe vnto you. For wat sonne is there, whō the father doth not correct? (Heb. 12.) *And when the correction is done, he will embrace you, and cast the rodde into the fier. It is true, he hath wounded*

wounded you, but as the Surgeon doth, to let out the corrupt matter. He woundeth and cureth, striketh, and his hands shal heale (*Iob.5.*) *And*, the arrowes of our Lord, are in you, (Iob.6.) *as they were in* IOB, *but they are as tents, which hee will pull out, when they haue drawen out all corruptiõ. He hath permitted the winde of persecution, to beat furiously vpon you, but it is to blow away all chaffe of imperfection, and that the solid wheate of your vertues may be the purer. He hath permitted you to be pilled, polled, and spoyled of your goods, but that spoyling is but lopping and pruning, that the tree hereafter may beare his fruits more aboundantly.*

9. *Say not therefore, God hath forsaken vs, hee thinketh no more of vs; and if your enemies say,* Deus dereliquit eos, persequimini & comprehendite eos, quia non est qui eripiat. (Ps.70.) *God hath forsaken them, follow them and apprehende them, there is none to deliuer them: beleeue them not, but rather answere them:* Non derelinquit Deus præsumentes de se. (*Iudith.6.*) *God doth not forsake them that presume of him. Tell them that you are of the Church, to which God promised,* quod non vocabitur vltra derelicta & terra, eius non vocabitur amplius desolata, sed vocabitur voluntas Dei in ea. (*Isa.62.*) *That she shal no more be called forsaken, and her land shal no more be called desolate, but she shall be called. the will of God in her. And when you behould Englands present desolate state, & compare it with her former glorie it had, weepe not as the Iewes did at the sight of their second Temple.* (ESDRAS 3.) *For peraduenture*, Magna erit gloria domus istius nouissimæ, plusquàm primæ.

(AGGEI 2.)

(AGGEI 2.) *Great shal be the glorie of this last house, more then of the first. And peraduenture at this present, England., though all dustie and slurred with the dust and bloud of this battaile, in which she fighteth, is more glorious in the eye of God, then when she flourished in her Churches, Monasteries, and Colledges, and shined in her golden peace. Be not astonished at the sight of the troupes and forces, which the enemy hath brought into the field against you, nor do you cry at such a fight with* ELIZEVS *seruant*, Heu, Heu, Domine mi, quid faciemus? (4. Reg. 6.) Alas, Alas, My Lord, what shall we doe? *for there are* more with you, then with them. *Lift vp your eyes to heauen, and you shal see moe in that mountaine prepared to fight for you, then are in the valley of this world, that fight against you. You shal see your Genera* CHRIST IESVS, (*whome S.* Steuen *saw standing*) *readie to assist you, who giueth courage to your heart, force to your arme, edge to your sworde, and who with his heauenly troupes of Saints and Angels fighteth for you, and in your selfe against such forces you could neuer haue consisted; much lesse could you haue daiely encreased forces and companies. And yet you see your Seminaries, where your souldiers are trayned, are as full as euer, and nowe (thankes be to God) new forces of new Colledges and Monasteries, both of men and woemen (whose sexe is not debarred from this warre) doe adioyne them selues vnto you, armed with as great zeale as euer, with as much courage & dexteritie in fighting as euer, as appeareth by your* Atkinsõs, Thulises, Maxfieldes, & Helmes, *who euen this yeare, by dying in the fielde, discouraged & discõfited their olde aduersaries. These*

troupes

troupes of ſouldiers, promiſſe one day a victorie: This ſeede ſowen in teares, prognoſticateth one day a harueſt: Theſe materials ſo well hewed and faſhioned, aſſure vs, that ſo wiſe an Architect as is CHRIST IESVS, would neuer haue made them ſo readie for the building, had he not intended the reedifying of our defaced Temple, and ruinated Church of England.

10. And although your General delay your victorie, and ſuffer you many times to be fiercely aſſaulted, yet it is but to make your victorie more glorious: Although, when the ſtorme of perſecution bloweth ſo boiſterouſly, that your Shippe may ſeeme in daunger of Shipwracke, he ſeemeth to ſleepe, and not to heede you, yet it is but to make you cry vnto him with S. PETER, Domine ſalua nos, perimus. O Lorde ſaue vs, we perish: Although he ſeeme ſometimes readie to leaue you, and to goe from you, yet he doth but fingere ſe longius ire, (Luc. 24.) make ſemblãce to go further, thereby to giue you occaſiõ to cry with the two Diſciples, Mane nobiſcũ Domine, quoniã aduеſperaſcit: Tarry with vs, ô Lord, becauſe it waxeth with vs towardes night, ãd the day is now farre ſpẽt: Although he ſeemeth to haue takẽ all humane meanes frõ you, & euẽ that hope, which at the firſt you put in your Princes preſumed Clemencie, and noble diſpoſition, yet it is but to make you rely more on God, and not to put your confidence in Princes, in the ſonnes of men, in whom there is no ſaluation (Pſ. 145.) For otherwiſe, thoſe oppreſſions of ſo many Innocẽts, the equitie and iuſtice of your cauſe, the impietie and vengeance-crying ſinnes of your aduerſaries, the extremitie of your miſeries and afflictions, doe pleade for mercie towardes you, iuſtice againſt them.

11. But

11. *But howsoeuer, you must not prescribe God a time, nor set him a day, as* OZIAS *did* (Iudith. 7. 8.) *nor must you resolue as he did, to deliuer vp the Citie and Church of England, to the Enemie, vnlesse God send you ayde or succour within a certaine time:* For then Iudith *will reprehende you, and demaund sharply of you.* Qui estis vos, qui tentatis Dominũ? non est iste sermo qui misericordiã prouocet, sed potius qui iram excitet, & furorem accendat. (*Iudith. 8. VVhat are you that tempt our Lorde? This is no word, that may prouoke mercie, but rather that may rayse vp wrath and inflame furie. Rather you must expect, in all patience, the time which God hath appoynted, assuring your selues, that as he knoweth your necessities, better then your selues, so is he more willing to release them, and as able as willing, because his power is his will; and therefore when it shall be most for his glorie, and your good, he will lende his helping hande, and*, as you haue expected him, so he will be your arme in the morning, and your saluation in the time of your tribulation. *Isa.* 53.

12. *And what can you tell? perchance* the iniquities of the Amorrheans are at their full. (Gen. 15.) *and Gods sword is readie drawen, to take a iust reuenge of them: perchance the Cup of Englands Martyrs blood, which God expected for an expiation for the sinnes of vs, and our forefathers, is almost brimful, and so he will be shortly appeased: perchance your louing Father hath almost done the due correction, and now is readie to lay the rod aside: perchance the destroying Angel, whom* S. GREGORIE *saw, is putting vp his sworde, which hath made*

made ſuch a ſlaughter among you: perchance England, that all this time of perſecution hath trauelled on Chriſt, and endured the throwes and panges of Ghild-birth, is now readie to be brought a bed, and that ſhe ſhall forget her former preſſure, and reioyce to ſee Chriſt in England, and England in Chriſt borne againe, and ſhall be more comforted at Englands birth to the Catholike Church, then ſhee hath bene greeued at her death, by Schiſme and Hereſie: perchance the cup of teares, which God hath giuen you to drincke, as a medicinable potion, is now almoſt drunke off to the bottome, and he is readie to ſpeake theſe comfortable wordes vnto you: Eleuare, eleuare; conſurge Hieruſalē, quæ bibiſti de manu Domini calicem iræ eius; vſque ad fundum calicis ſoporis bibiſti, & potaſti vſque ad fæces. Ecce ego tuli de manu tua calicem ſoporis, fundum calicis indignationis meæ, non adijcies vt bibas illum vltra. Et ponam illum in manu eorum, qui te humiliauerunt. (*Iſa.* 51.) Be lifted vp, be lifted vp, ariſe Hieruſalē which haſt drunken of the hande of our Lord the cuppe of his wrath, euen to the bottome of the cup of drowſineſſe, haſt thou drunke, euen to the dregges. Beholde, I haue taken out of thy hande the cuppe of drouſineſſe, the bottome of the cuppe of myne Indignation, thou shalt not adde to drinck it any more. And I will put it in their hand, that haue humbled thee. (Iſ. 51. (*perchance* tempus miſerēdi *is at hand; perchance* prope eſt vt veniat tempus eius, & dies eius non elongabuntur (Iſa. 14.) *it is neere that the tyme (of your relaxation)*

tion) shal come, and the dayes therof shal not be prolonged.

13. Onlie looke that there be no ACHAN nor ANATHEMA amongst you (Iosue 7.) for if there bee, God will take your wonted courage from you, and the Citie of HAI will preuaile against you. For as God is so mercifull that he spareth some tymes a Whole Citie or kingdome, for the merites of a few, as he was readie to haue spared SODOME if he had found ten iust men in it (Genes. 18.) for iust men (as S. AMBROSE sayth lib. 1. De Abraham. c. 1. are a wall to their countrie, and their faith saueth and defendeth the rest from destruction) so also is he so iuste, that out of his secret, but yet iust Iudgements, he chastiseth sometymes a whole armie (as wee see in ACHAN, IOSVE 7.) or Kingdome, for the enormitie of a few. VVherfore (VVorthie Catholickes) the best meanes that I find to procure you a relaxation from this your so long persecution, is to follow the counsell, which the Ammonite ACHIOR gaue to HOLOFERNES (Iudith 5.) Perquire si est aliqua iniquitas &c. Search if there bee any iniquitie of yours in the sight of your Lord God, for if there bee, then you may iustlie feare least God permitt his and your enemies to dominere ouer you, as he permitted DANIEL, HIEREMIE, and TOBIE, and many Innocents to be caryed into captiuitie with the nocent. For as S. HIEROM sayth epist. 13. Nostris peccatis barbari fortes sunt, nostris vitiis Romanus fugatur exercitus. By our sinnes, the barbarous (heretickes and barbarous persecutours) become strong; and the Roman Armie (the Roman Church) is chased, and put to flight by

by our vices. But, as ACHIOR ſayd: Si non eſt offenſio populi huius coram Deo ſuo (Iudith. 5.) If there bee no offence of God amongſt you, *your enemies ſhall not long preuaile, becauſe God, whoſe cauſe you ſuſtaine, will fight for you, and in you.*

14. *As for me (O conſtant Catholickes) when I behould your vndaunted courage, which you oppoſe againſt the furie of your Perſecutours, and your inuincible patience, wherewith you haue hetherto endured all kind of aduerſities, I can not but admire and commend you, and praiſe God alſo for you and in you: But when I conſider alſo what is befallen ſome of you of late, as I meruaile not therat, ſo I can not but feareleaſt by that, by which you thought to finde ſome eaſe of this heauy yoke of perſecution, vnder which you grone, you haue augmented the burden and prolonged your miſeries. I meruaile not, that after ſo heauie oppreſsions ſo long endured, you grone with the Iſraelites* (Exod. 2.) *I meruaile not, that after ſo furious aſſaultes ſo long ſuſtained, ſome giue backe, and forſake their place and ſtanding: for what meruaile that in ſo great a winde ſome chaffe is blown away? that amongſt ſo many veſſels put into the fornace of tribulation to be hardened, ſome breake in the hardening?* for vaſa figuli probat fornax &c. the fornace tryeth the potters veſſels, & the tentation of tribulation iuſt men. (Eccl. 27.) *Rather I meruaile that in ſo great a ſtorme & troubleſome Sea, ſo few do ſuffer Shipwrack; and in ſo great a heape of wheate, ſo litle chaffe is found; and amongſt ſo many peeces of gould, which haue been caſt into the fier, ſo few proue light and counterfet. Yet I feare alſo leaſt your late giuing backe make the*

enemie with more bouldnes to preſſe vppon you; and that the late Anathema, which is fallen amongſt you, hath prouoked the wrath of God againſt you, and hath giuen courage to your enemie, taken it from you, and hath added furie to him, diminished zeale and feruour in you.

15. *You know what I meane: it is the late propoſed* Oath, *which becauſe it goeth vnder the name of* Ciuil Alleageance *grateſull to ſuch good ſubiects as you are, whom Religion and conſcience teacheth to obey, feare, loue, and ſerue your Prince, hath deceiued ſome of you, and hath made you vnder this alluring bayte, to ſwallow downe the hooke that galleth euen the ſoule and conſcience, and in this goulden cup to drinke your deadlie poiſon and perdition. So that I may ſay vnto you:* Anathema eſt in medio tui Iſrael, non poteris ſtare coram hoſtibus tuis, donec deleatur ex te, qui hoc contaminatus eſt ſcelere, (Iosve 7.) There is Anathema in the middeſt of thee, O Iſrael; thou canſt not ſtand before thine enemies, till he be deſtroyed out of thee (*or his ſinne in him*) that is contaminated with this wicked fact. *VVherfore, O VVorthie Catholickes,* let nothing ſticke in your hãdes of this Anathema, that our Lord may be turned from the wrath of his furie, and may haue mercie on you. (Deut 13.)

16. *You are not ignorant, that* modicum fermentum totam maſſam corrumpit (1.Cor.5.) A little leauen corrupteth the whole paſte. *One mortall ſinne mortifieth all your former merites,* (D.Th.3.p.q.89.a.4.) *and he that offendeth in one*

point

point, especiallie pertaining to faith and the Churches power & right, is made guiltie of all (Iac. 2.) *this one hole, which the persecutour hath made in the ship of your soule, is sufficient to let in that water which will drowne you: this one point of your chiefe visible Pastours Authoritie and power, Which (though forced therunto) you abiure, is sufficient to disgrace all former constant and glorious Confession. And it will little auaile you to haue layed your hand to the plough, if now you looke backe; to haue runne so well hetherto, if now you faint before the goale; to haue resisted hetherto so valiantlie, if now you yeeld your selues slaues to tyrannie.*

17. *And although some one persuadeth you, that you may with safe conscience take this* oathe, *and therfore are not bound with hazard of your estates to refuse it, yet beleeue it,* persuasio hæc non est ex eo qui vocat vos: this persuasion is not of him that calleth you (Gal 5.) *for as* S. PETER *telleth you:* In hoc vocati estis you are called to this, to doe well, and sustaine patientlie, (1. Pet. 2.) *and not to yeeld in the least point against God and his Churches right and honour. VVherfore seeing that by this* oath *the true and lawfull Authoritie of your chiefe visible head and Pastour is abiured (as this booke will make plaine vnto you) imitate the wise serpent, expose bodie, liuings, libertie, and all, for the defence of your Head: and if your zealous Pastour and Primat* S. THOMAS *of* CANTERBVRIE, *indured banishment, reuilings, contumelies, iniuries, and at length death it self for the defece of the rights of the Church; how much more should you constantlie endure for*

the defence of the Head of the Church?

18. And although Widdrington telles you, (and as he would ſeeme, as a freind, and one that hath care of your temporall eſtates) that you are not bound to looſe any penny for the Authoritie of the Pope, which thu oath abiureth: yet I deſire you to cõpare V Viddrington to thoſe Allens, Hardings, Sanders, Briſtowes, Stapletons, who had as great a care of your temporall, and more of your ſpirituall eſtates, and yet wrote, and taught, that the Authoritie, which this oath abiureth, is to be defended with hazard of liuings and life. To theſe I deſire you to adde the Coũcels, not only Prouincial, but alſo General, which in their decrees haue defined this authoritie; the Popes ſo many, ſo learned, ſo holie, who haue exercized it vpon rebellious Princes; the Kings and Emperours (though moſt herein intereſſed) who haue acknowledged it; the arguments alſo deducted out of Scripture, and Principles of faith and Diuinitie, which do conuince it, (all which this booke will make known vnto you) and laſtly the fatherlie admonition of your moſt Holie Father and chiefe viſible Paſtour PAVL by the Grace of God the fifte of that name, who as by office he hath a generall charge and care of all Chriſtian Nations, ſo hath he a particular care, not only of the ſpirituall, but alſo of the temporall eſtates of all English Catholikes, as our Colledges haue, and do daiely experience, and conſequentlie would not expoſe your temporall eſtates to the furie of the perſecutour, by forbidding you this oath, if (as he telleth you) it did not containe thinges, which can not be ſworne without euident and grieuous wronging of Gods honour, and which are

Card. Allan in his Anſw. to the libeller.

flat

flat contrarie to faith and ſaluation. (Paulus 5. in Breu.) *And therfore ſeeing that hee, like a wiſe and careſull Phiſitian, hath more care of your health, then of contenting your taſt and humour; and* VViddrington *contrariewiſe permitteth you that which is pleaſing to flesh, and bloud, not ſo much reſpecting how preiudicious it is to your ſoules health; if you will preferre heauen before a temporall eſtate, and the ſoule before the bodie, you muſt alſo preferre your Holie Fathers counſel and admonition, eſpeciallie grounded in ſuch authoritie, before all the ſmooth and ſoothing preſcriptions in the world, warrãted by onlie* Widdringtons, *and ſome few obſcure Authors authoritie: for although he alleadgeth often the Doctors of* Sorbon, *and all the ſtate of* France, *yet by the late reſiſtance made by the Clergie, and nobilitie of* France *againſt the like* Oath, *who ſeeth not how he abuſeth his reader and iniureth that noble Monarchie?*

19. *But put the caſe you ſhould preferre* VViddringtons *counſel before your chiefe Paſtours admonition, and all the authoritie alleadged, neither ſo (what ſoeuer he beareth you in hand) ſhould you ſaue your temporall eſtates, or decline perſecution. For to omitte that if you had at the firſt iointlie and couragiouſlie reſiſted the* oath, *it is like you ſhould neuer haue been ſo hoatlie preſſed with it; if now you ſhould all reſolue to accept of it, neither ſo ſhould you auoide perſecution. For (as I haue tould you) perchaunce your yeelding in this point hath prouoked your heauenlie Fathers wrath, and induced him in this his ſo iuſtlie conceiued anger, to vſe or permitt ſtill the rodd of perſecution, which otherwiſe he was*

readie to haue layed aside: and the persecutour, who proposeth this oath, not seeking so much the Princes securitie (which rather hereby, as I haue shewed in the last chapter of this booke, is more endaungered) as the molestation of your Consciences, and the pillage of your goods, would not, though you should accept of this oath, surcease therfore from persecution; but if he could not by this meanes molest your consciences, and ruine your estates, he would try other meanes, as to compell you to their Churches or prophane Communion. And this you may gather by his sorrow he shewed, when in the beginning so many of you yeelded to take this oath; and by this also, that many, who haue taken this oath, can not so free themselues from molestation, because nothing but your goods and miseries can satisfie the vnsatiable cruelties of bloudie persecutours. And so by yeelding to this oath, as you prouoke Gods greater anger, so you moue the persecutour to no compassion; rather you make him more insolent, and redouble your owne miserie. But suppose you could thus shake of this heauie yoke of persecution, yet it beeing vnlawfull (as your chiefe Pastour and learnedst Doctours teach you) as hetherto, rapinam bonorum vestrorum cum gaudio suscepistis, cognoscentes vos habere meliorem & manentem substantiã, (Heb 10) the spoile of your owne goods you haue taken with ioy, knowing that you haue a better and permanent substance; so do you perseuere and continue. And if God permit the persecutour to prey, not only on your goods, but also on your liues, yet nolite timere eos, qui occidunt corpus, animam autem non possunt occidere

dere &c. (Matt 10.) feare not them that can kill the bodie, and are not able to kill the ſoule: but rather feare him that can deſtroy both ſoule and bodie into Hel.

10. *Many thinges do make this* oath *vnlawfull, as you will eaſilie perceaue by the brieſe examination, which the laſt chapter of this treatiſe maketh of it; but if there were nothing but this, that it is an vncouth and vnwonted oath, neuer yet propoſed by any Prince vnto his ſubiects, and propoſed alſo by the profeſſed Enemies of Gods Church, all Catholikes that feare to offend God, or to doe iniurie to the Church, and her right and authoritie, ought to holde it as ſuſpected, and as ſuch to ſhunne it, and auoyd it. For it is no new thing for heretikes vnder colour of oathes of fidelitie and ciuil alleageance to deceaue the well meaning and nought-ſuſpecting Catholike. VVee read in the hiſtorie of the perſecution of the* Wandalles, (Victor Vticen. lib. 3. de perſ. Vand.) *how* Hunnericus *propoſed ſuch an* oath *to the Catholike Biſhops aſſembled together at Carthage, pretēding onely therby to aſſure him ſelfe of their fidelitie towards him and his ſonne, that was to ſucceede him, which if they would take, he promiſed to ſend them home to their Churches. The oath ſeemed verie reaſonable, and was no other then this:* Iurate ſi poſt obitum Domini noſtri Regis, eius filium Hildericum deſideratis eſſe Regem, vel ſi nullus veſtrum ad Regiones tranſmarinas epiſtolas diriget: Sweare whether after the death of our Lord the King, you deſire that his ſonne Hildericus ſhould be King: or that none of you will write, or

ſend letters beyond the ſeas. *At this* oath *though in shew altogether lawfull, the Catholike Bishops staggered: and some of them suspecting all that cometh from the Enemies of Gods Church, flatlie refused it: others least the people should say that* vitio ſacerdotum, qui iurare noluerunt, non fuerint Eccleſiæ reſtituræ: by the fault of the Prieſts, that would not ſweare, the Churches were not reſtored, *accepted of it. But by and by appeared the hidden malice of the persecutour: for he tooke aduantage thereby, as well against those that swoare, as those that refused to sweare. To them that swoare, his officers sayd:* VVhy againſt the commaundement of the Ghoſpell haue you ſworne? The King commaunded, that you ſhould neuer viſit your Cities and Churchs againe, but that being banished you ſhould take lands to till, colonatus iure, by right of farmers and new Inhabitants, yet with this condition alſo, that you neither ſing ſeruice, nor pray, nor carrie booke to reade, nor Baptize, nor giue orders, nor reconcile any. *To them that refuſed to ſweare, they ſayd:* quia regnum filii Domini noſtri non optatis, idcirco iurare noluiſtis &c. Becauſe you deſire not that the ſonne of our Lord the King ſhould raigne after his Father, therefore you would not ſweare. For which cauſe you are commaunded to be banished into the Ile of Corſica, to hew trees for the Kings buildings. *So that in extraordinarie* oathes *the hereticall Magiſtrate hath ſiniſter inten-*

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tions and hidden meanings, and vnder faire pretences coucheth malice: and therfore all ſuch oathes *are by zealous Catholikes to be ſuſpected: much more this oath, which in ſo plaine wordes abiureth the Popes lawfull authoritie, which Councels, and chiefe Doctors do giue him, and which he hath practiſed ſo many yeares without contradiction af all, ſauing heretikes, ſchiſmatikes, and ſome few obſcure authours, ought to be houlden as ſuſpected, and as ſuch of all timorous conſciences to be auoided.*

21. *VVherfore, worthy Catholikes, vſe the benefit of perſecution for that your good, to which by God it is ordained or permitted: let it ſerue for a winde to blow away your chaffe of Imperfections, not to ſcatter the ſolid wheate of your faith, charitie, zeale, feruour, and conſtancie: let it ſerue for a red ſea to paſſe to the land of promiſe with the Iſraelites, not to drowne you with the Aegiptians: let it ſerue for a gale of wind to ſet you onward to the hauen of heauen, not for a boyſterous blaſt to driue you on the rockes of ſcandall: let it ſerue for a blaſt to enkindle, not to blow out your fier: let it ſerue for a fire to purge you like gould, not to melte and conſume you like wax or lead; to harden you as veſſels fit to receaue Gods ſpirit, and to carrie his name, not to breake you in the hearing. And* my deareſt. (I *vſe* S. PETERS *words*) nolite peregrinari in feruore, qui ad tentationem vobis ſit, quaſi aliquid vobis contingat. (1. Pet. 4. Thinke it not ſtraũge in the feruour, which is to you for a tentation, as though ſome new thing happened vnto you. *It is no new thing for the ſeruantes of God to ſuffer perſecution:*

secution: but comfort your selues that in suffering for Iustice, you are companions to Christ, the Prophets, Apostles, and Martyrs. Take heede that none of you suffer for disloyaltie or ill demeanour: but whosoeuer suffereth as a true Christian, *that is, as a Catholicke Romane (for these two alwayes go together)* let him not be ashamed, but let him glorifie God (1. Pet. 2.) *for such suffering is but to purge him, to try him, to associat him to Christ and his faith, to marke him for one of Christs souldiers, to conforme and configurate him here to Christ patient, that he may be cõfigurated in heauen to Christ triũphant. Wherfore plucke vp your hartes, and call to mynd your former victories, hetherto you neuer encountred, but you ouercame and prooued stronger thẽ all the Tibornes, rackes, and Gibbets, then all the Engines and Ministers of crueltie: doe not now by dastardie and cowardlike yeelding obscure your former glorie, and mortifie your former merites: but seing that you haue of humane frailtie yeelded in this one point, let this your disgrace and foile receiued thereby, serue for a buffet of Satan to humiliate you* with S. PAVL (2. Cor. 12.) least the greatnes of your reuelations (*as it is a reuealed doctrine to count it honour and felicitie to suffer for Christ*) might extoll you: *let it serue for a memoriall to put you in mynd, that heretofore by Christ and his graces, not by your own force you ouercame: let it serue as a Monitour, to admonish you sitting in the triumphant chariot of your former victories, that you are of your selues but mortall and frayle men: let this fall make you rise with a rebounde to greater courage then euer; that so all* thinges, *euen falles,* may cooperate to your good. (Rom. 8.)

22. But

22. But my zeale of your Honour (VVorthie Catholickes) hath tranſported me, and made mee not only to exceede the limites of an Epiſtle, but alſo to be more officious, then perchaunce gratefull to ſome, who may thinke, that if I knew, or at leaſt fealt the miſeries which they endure, I ſhould rather condeſcēd vnto them with VViddrington, then vrge them ſo much to refuſe this oath, whoſe refuſall is ſo daungerous to their perſons, and pernicious to their eſtates. But I haue for ſuch an anſwer in readines, to wit, that I am not ignorant of your extreame afflictions, and that (as I proteſt) I neuer thinke of your ſufferances ſeriouſlie, but I ſuffer with you ſenſiblie, and would, if ſo I might eaſe you, ſpend my blood, and hazard my life, euen for a relaxation from your temporall miſeries: but being perſwaded as I am, and ſtanding vpon ſo ſure grounds, as this Treatiſe will manifeſt vnto you, as that Phiſition were vnworthie his Profeſsion, that would preſcribe onely ſuch Phiſick to his patient as is pleaſing to his taſt, not caring how contrarie it be to his health, ſo if I, with a VViddrington, would ſeeke to ſoothe, and ſute a worldlie humour, and ſo my ſpeeches be pleaſing to flesh and bloud, little regard the health and ſtate of your ſoules and ſecuritie of your conſciences, I were vnworthie the roome I fill, the perſon I ſuſtaine, and the function of a Spiritual Phyſition, which I haue vndertaken. VVherfore if my Phyſick be diſtaſtfull, refuſe it not, it being healthfull; neither be you angrie with the Phyſition for preſcribing ſo bitter a potion, he therby intending your good: and if my ſpeeches ſeeme too plaine, thinke they are ſincere and ſpoken out of loue; if sharpe and byting, perſuade your ſelues that

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meliora ſunt vulnera diligentis, quàm fraudulenta oſcula odientis: (Prou.27.) Better are the wounds of him that loueth, then the fraudulent kiſſes of him that hateth. *This I am ſure, I giue you no other counſell, then I would follow my ſelfe, who haue that opinion of the vnlawfulnes of this oath, that I would looſe liuings, libertie, and life, rather then take it: not that I would not giue that to* Cæſar, *which is due to* Cæſar, *but that I would not take from God which appertaineth to God: not that I neglect a temporal life and ſtate, but that I preferre the ſpirituall: not that I deſpiſe the Prince, to whom I acknowledge all temporall obedience and honour, but that I honour the Paſtour, who hath the rule of my ſoule: not that I regard not the Common wealth, but that I deſire to liue and dy an obedient ſonne of the Church: not that I feare not them,* who can kill the bodie, *but that I feare God more,* who can kill the ſoule: Matt.10.

23. *And my intention and proiect (I proteſt) of dedicating this Treatiſe vnto you, was not to irritate any Prince, but onlie to declare his Authoritie and office; not to flatter any Prelate, but onlie to defend his right; not to increaſe your perſecution, but to ridde you of this* Anathema, *which hath prolonged it; not to adde affliction to affliction, but courage to your fainting, and comfort to your griefes, to helpe them to riſe that are fallen, and to confirme them that ſtand, that they may the better keepe their ſtanding. And this being my ſincere intention, I hope not onlie you, but all others, who ſhall peruſe this booke, will make their profit of it, and interpret it in that good meaning, which the Authour intended. Our Lord*

IESVS,

IESVS, for whose cause you endure, either ease you of this burden of aduersities, vnder which you grone, or giue you strength to beare it, comfort in bearing, and make mee a follower of your rare examples, an Imitatour of your patience, and partaker of your merits, as you shall euer be of my poore prayers and small labours.

A Pre-

A Preface.

To the Reader.

GEntle Reader, I did not thinke to haue ſet out this little booke the ſecond tyme, much leſſe did I intēd to adde any thing vnto it. And although Widdrington in his *New-yeares giſte*, hath of late here and there glanced againſt ſome words and ſpeeches of myne, where he imagined moſt aduantage, yet I thought (as I ſee other learned writers haue done) to haue quite giuen him ouer, and not to haue made the leaſt replye, as not being deſirous to contend with ſuch, as are reſolued not to yeelde, hauing other buſineſſes to many where with to occupie my ſelf. But the Printer who firſt tooke this booke in hād, and other friends alſo īportuning me, to let it come forth againe, and alleadging that the copies of the firſt Edition were all ſpent, and yet moe demaunded; I was cōtent *volens*, *nolens*, yeelding herein, more to importunitie then to myne owne inclination, to publiſhe it once more, and vpon this occaſion of this new edition, to adde here and there ſomething, either for a more ample explica-

explication, or for anſwer to Widdring-tons obiections. I was willing, I confeſſe, and forward ynough the firſt tyme to write of this ſubiect. For although, as by an accident, I was one of the laſt, who wrote in the defence, of this the chiefe viſible Paſtours Authoritie now in Englād impugned, ſo I counted my ſelfe amongſt the leaſt; yet as when an houſe is ſet on fire, ſome carrie water, others ladders, and euerie one repayreth thether to ſhew at leaſt his good will to extinguiſh it: So in this Cōbuſtion in which not onlie Heretiques, but alſo ſome of them who make profeſsion of the Catholique name, doe endeuoure to put fire, euen to the ſecundarie foundation of God his Church, to wit, the chiefe viſible Paſtours Authoritie; I thought it the part of euerie zealous Catholicke to runne to the extinguiſhing of this fire, for though all haue not the like dexteritie, yet all may shew the like good will. Which I hauing performed in the former Editiō of this little booke according to my abilitie, I thought to haue ſurceaſed, had not importunitie of friendes ouercome mee. And therfore after this, as I meane not to diſpute any more of this point with thē, with whōe (as I gather by the repulſe which greater men then my ſelfe haue receaued) there is little hope to preuaile; ſo I wish all Catholiques, ſeing that

that they haue hearde their chiefe visible Pastours sentence, to leaue of all Disputation touching this his Authoritie, and simplie and humblie to obey his commãdement, and consequentlie to acknowledge the sayd Authoritie, to refuse the Oath by him cõdemned, and yet to obey the King our Soueraigne and Liege Lord in all ciuil and temporall causes, to be faithfull to him and his Royall posteritie, and to pray daylie for his maiesties longe and prosperous life, that he may liue lõge to vs, alwayes to God, and so raigne longe in the Kingdome of England, as he may raigne for euer in the Kingdome of heauen.

The

The Contents of the Chapters.

By way of introduction it is shewed, that there be two powers in the Church; the one Ciuill; *the other* Eccleſiaſticall: *which are both neceſſary. Chap.* 1.

Some Ciuill povver *followeth immediatly from God and nature*; Regall povver *proceedeth immediatly from the peoples election and* Donation; *mediatly from Gods ordination; Soe that after the election of the people and reception, the king is ſuperiour, who may Command and bynde in conſcience; the people are ſubiects bound to obey. Chap.* 2.

Eccleſiaſticall *power is alſo of God, and is diſtinct from the* Ciuill Iuriſdiction, *which alſo all members of the Church are bound in conſcience to obey. Chap.* 3.

These two Iuriſdictions and powers. Ec-

cleſiaſticall *and* Ciuill, *are compared and conferred: and the preeminence is giuen to the* Eccleſiaſticall, *Chap.* 4.

Eccleſiaſticall *and* temporall *Peeres and Princes are compared together, and out of the Compariſon is gathered, that not only priuat laymen, but euen temporall Princes, though otherwiſe abſolute, are ſubiect to the Paſtours of the Church, aud eſpecially to the Supreme viſible Paſtour, as is prooued by many arguments. Chap.* 5.

That Princes, Kings, yea emperours haue no authority to gouerne the Church, or to make Eccleſiaſticall lawes, neither are to be accounted heads or Superiours, but ſubiects of the Church, though protectours and defendours; and therefore are modeſtly admoniſhed of their duty and office. Chap. 6.

Although the Pope be not direct temporall Lord and Superiour of the world, nor of any part therof, by Chriſts expreſſe guift and donation, but only of the patrimony of Sainct Peter *giuen him by* Conſtantine the Great, *and other Catholicke Princes, and confirmed by the conſent of the Chriſtian world: yet by the ſpirituall power, which Chriſt gaue him in his predeceſſour S.* Peter. (Io. 21. *he may diſpoſe of temporall things,*

and

and euen of kingdomes, for the good of the church, and conseruation of her, and her faith & right, and the manner how, and in what case he can thus dispose of temporalities, is explicated. chap. 7.

By diuers places and examples of the ould and nevv testament, *it is prooued that the Pope in some case can, not only by spirituall censure, but also by temporall punishment, and euen by depriuation, chastice Princes, who are rebellious, and doe tyrannically persecute, and molest the church.* chap. 8.

By Theologicall arguments, *grounded in principles of faith, and the Nature of the church, as it is an absolute common wealth, the same power of the Supreame Pastour is prooued.* chap. 9.

The same verity is confirmed by the practise of the Church *in punnishing heretickes temporally, with losse of goods, liberty, and liues.* chap. 10.

The same power of the Pope ouer Princes, is prooued by authority of Generall Councelles, *out of which are gathered, for the same authority, euident and conuincing arguments.* chap. 11.

By the facts of the holy and learned Bishops of Rome, *especially* Gregorie

the ſeauenth, *the ſame power is confirmed, chap. 12.*

By the number of Doctours, *who haue embraced the opinion, that giueth this power to the Pope, the ſame doctrine is prooued: betwixt the number, grauity, and authority of which Doctours, and thoſe who ſtād for* VViddringtons *opinion, there is no compariſon to be made. chap. 13.*

By the doctrine and practiſe of heretikes *the ſame againſt them is demonſtrated; and thence is inferred, that the queſtiō betwixt vs and them, is not ſo much, whether the Pope hath any ſuch authority, as whether the Pope, or they haue it. chap. 14.*

An explication of the late Oath of pretended Alleageance, *and of euery clauſe therof, deduced out of the former and ſome other grounds, by which is prooued, that it can neither be propoſed, nor taken, without grieuous offence of Almighty God. Chap. 15.*

THE

THE RIGHT AND IVRISDICTION OF THE PRELATE, and the PRINCE.

CHAPTER I.

BY WAY OF INTRODVCTION IT IS shewed that there be two powers in the Church; the one Ciuill; *the other* Eccleſiaſticall: *which are both neceſſarie.*

ALMIGHTY God in the firſt creation of this materiall world, prouided two great lightes to illuminate, rule, and gouerne it: the one he called *luminare maius*, the other *luminare minus*; we commonly call them the Sũne & Moone. And no ſooner had he created (as it were) the ſpirituall world of his Church, but he appointed alſo two great lightes to gouerne it and direct it to the end prefixed. The one is the *Eccleſiaſticall* power of the Church, reſiding in her Bishops and Paſtours: the other is the *Temporall* power of the Cõmon wealth, Magiſtrate, or Prince. Both powers are great in their kind, both of God, both as neceſſary to humane ſocietie, as the Sũne, and Moone to this world. VVherfore GELASIVS Pope ſaith: *Duo ſunt, Imperator Auguſte, quibus hic mũdus principaliter regitur: Auto-* *Gen. 1.*

Gelaſ. ep. ad Imp. Anaſtaſ.

Innoc. 3. Cap. Solite de maior. & obed.

ritas ſacra Pontificũ, & Regalis poteſtas. Two thinges there are, O noble Emperour, by which this world is principallie gouerned: the ſacred Authoritie of Bishops, and Regal power. And Innocentius the Third vſing the former ſimilitude ſaieth: *Ad firmamentum Cœli, hoc eſt vniuerſalis Eccleſiæ, fecit Deus duo magna luminaria, id eſt, duas inſtituit dignitates, quæ ſunt Pontificalis Authoritas, & Regalis Poteſtas.* For the Firmamẽt of Heauen, that is, of the vniuerſal Church, God made two great lights, that is he inſtituted two Dignities, which are Pontifical Authoritie, and Regal power. But becauſe the world now adaies aboundeth, and as it were ſwarmeth with thoſe kind of men, whõ the Apoſtle calleth.

1. Cor. 2. *Animales homines, qui nõ ſapiunt ea quæ ſunt ſpiritus*, ſenſual men, who perceaue not thoſe thinges that are of the ſpirit of God, and therfore preferre the body before the ſoule, this preſent life before the future, time, in which they are to liue but for a time, before eternitie, in which they are to liue eternally, and conſequently eſteeme more of ſtate, then of Religion, of the Common wealth, then the Church, and of the Temporall power of Princes, then of the ſpirituall authoritie of Paſtours: I will by cleare and euident argumẽts ſo eſtablish both, that I will alſo ſincerely deliuer which of them hath the preeminence, and precedence. For they who ſeeke to depriue vs of either of theſe powers, do as if they would take from the world the Sunne or the Moone, as though both were not neceſſary; and they who do ſo admire the Temporall

porall power and dignitie, that they debase, and misprise the spirituall (though that indeede ruleth only the night of Tẽporall affaires, this the day of the spirituall state) are like vnto Owles, who are so pleased with the Moone light, that they could be contented there were no sunne at all.

Chapter II.

Some Ciuill power *floweth immediatly frõ God and nature*; Regall power *proceedeth immediatly from the peoples election and donatiõ, mediatly from Gods ordination*; *so that after the election of the people and reception, the King is superiour, who may command and binde in conscience*; *the people are subiects and bound to obey.*

1. MAn by a naturall propensiõn, which God and Nature hath ingraffed in him, desireth to consorte in companie, and is prone to friẽdship, fellowship, and societie. And therfore Aristotle saieth that. *Ciuitas est ex his quæ natura sunt*: *The citie is one of those things, which haue their source from nature*, and that *homo natura ciuile est animal*: *Man by nature is a ciuill liuinge creature.* And he addeth: *Qui absque ciuitate est, per naturam, non per fortunam, aut nequam est, aut potior quam homo. He that liueth out of the citie induced therto by inclination of nature, not by fortune, is either wicked, or better than man.* Yea (saith he) *Qui in cõmuni societate nequit esse, quique nullius indiget propter sufficientiam, nulla pars est Ciuitatis*; *quare aut Bestia, aut Deus. He that can not liue in common societie, and needeth no mans help, by* *Arist. l. 1 Polit. ca. 2.* *Ibidem.* *Ibidem.*

reaſon that he is ſufficient of him ſelfe, is no part of the Citie, Wherfore he is either a beaſt, or a God. And thence he concludeth that. *Homo eſt ſociale animal, magis quàm Apes, & quàm omne gregatiũ animal. Man is a liuing creature more ſociable thẽ bees, or any conſorting liuing creature.* And we ſee by experience how all reaſonable and liuing Creatures deſire ſocietie. The Angelles, although they haue no familiar conuerſation with mẽ, as being aboue the rãke of men, & needing no humane helpe; yet they haue Hierarchies and Orders, rule, and gouernment amongſt them ſelues, and the ſuperiour illuminateth the inferiour, and all of them ſpeake, and confer with one another; and in this mãner they liue together, which argueth a ſocietie: and though they conuerſe not viſibly and familiarly With vs, yet for the charitie they beare vnto vs, and for the neede we haue of thẽ, ſome of them are our ordinary Guardians, others are extraordinary Embaſſadours ſent on diuine meſſages vnto vs, and all of them aſſiſt vs immediately or mediately, and therefore are called *Adminiſtratorij Spiritus*, *Miniſtring Spirits*. Brute beaſts, and liuing creatures deuoid of reaſon liue alſo in ſome ſocietie. For Pigeons of one Douecote, beaſts of one heard, bees of one hyue, Connies of one warren, fiſhes of one finne, birds of one feather, do willinglie flock together: but this their liuing together, though it hath a ſimilitude of ſocietie, becauſe likenes of

nature

nature assembles them together; yet it is not properlie societie, they hauing neither speech, nor any conceit of iustice, commoditie, or discommoditie, which yet, as *Aristotle* affirmeth, are necessarie to true societie; only man is truly sociable, because he is propense, and prone to cõpanie, for the loue of iustice, friendship, and conseruation of him selfe. *Arist. supra.*

2. And because God and Nature do nothing in vaine, but all is for some end, and proiect; as they haue inclined mẽ to societie: so haue they therby intended some good & profitt to men, which they are to reape. For if it were not for some end, their inclination to societie should be in vaine; if not for some good, but euill, God & Nature should haue ordayned them to their hurt, which cãnot piously be thought of either of them.

3. Wherfore men are ordained vnto societie for two kind of commodities they reape therby. The first is solace, pleasure, and delight: for he that is alone, hath no vse of that faculrie, which is proper vnto him, to wit, of speaking, and so wanteth the pleasure which is taken in talking and discoursing, and imparting conceites to one another, and he cannot contract friendship, which requireth familiaritie, and so hath none to whome he may open him selfe, impart his secrets, communicare his ioyes and griefes, which yet S. AMBROSE calleth *solatium huius vitæ, the solace of this life*, and that very pertinenrlie. For as Cicero saieth *S. Ambr. lib. 3 de offic. cap. vlt.*

Cic. l. de Amicitia. saieth; *Quid dulcius &c. VVhat more pleasant then to haue one, with whom thou mayst dare to speake as with thy selfe? what great fruite and profit would be reaped by prosperitie, vnles thou hadst a freind, who might reioice in it as thou thy selfe? and hard it would be to beare aduersities without him, who would take them more grieuously, then thou thy selfe.* Secondlie, men are inclined to societie for profit and commoditie; for he that liues alone, must needs liue in some want: If he be ignorant, he hath none to teach him; if he be perplexe, he hath none to counsell him; if he be sicke, he hath none to cure him, if he be poore, he hath none to relieue him; if he be assaulted, he hath none to defend him; if he fall, he hath none to helpe him vp. And therefore Ecclesiastes telleth vs that, *melius est duos esse simul quam vnum &c. It is better that two be together, then one; for they haue profit of their societie: if one fall, he shal be stayed vp of the other. VVoe to him that is alone: because when he falleth he hath none to lift him vp. And if two sleepe together, they shal warme eche other: one how shal he bee warmed?*

Eccl. c 4.

4. And seing that men assembled cannot gouerne them selues, vnlesse some commād, some obey, some direct, some be directed: it followeth, that this societie hath power to gouerne it selfe, and that this power is also of God. For as God hath inclined vs to societie, and so is the Authour of all lawfull societies; so hath he giuen to them power to gouerne them selues, which power is

called

called *Poteſtas ciuilis*, or *temporalis*, *Ciuil or temporall power*, elſe in vaine had he inclined vs to liue in ſocietie. And therfore as God and Nature, in that they giue vs being, do giue vs alſo power to defend our ſelues, to repell force by force, *& vim vi repellere*; ſo God and Nature being the Authours of ſocietie, do giue ſocieties power to rule, conſerue, and defend them ſelfes, elſe in vaine had they authorized them. And as this world could not conſiſt, vnles God the moderatour by naturall inclinations did vnite the partes together, neither could man conſerue him ſelf, if he had not in him ſelf a ſoule to command one member to help another, and eſpeciallie authoritie to defend the whole; ſo if in ſocieties there were not ſome power to rule, and direct the good of euery particular to the common, but euerie one should rule him ſelf, and neglect the common good of the ſocietie, there would be but confuſion, and confuſion would bring diſſolution: becauſe as the wiſe man ſaieth: *vbi non eſt gubernator, populus corruet*: *where there is no Gouernour, the people shal fall.*

Prou. 11. *D. Thom. Opuſ.* 20. *de Regimine princ. c.* 1. *& inſinuat* 1. 2 *q.* 90. *art.* 3. *ad* 2. *qu.* 97. *a.* 3. *ad* 3. *Vict. Relec. de poteſt. ciuil. Suar. l.* 3. *de leg. c.* 1. *Sotus l.* 1. *de Iuſt. q.* 1. *a* 3. *Bellarm. to.* 1. *l.* 3. *ca.* 9.

5. This power, as Saint Tho. Franciſcus a Victoria, Bellarm. Suarez, Couarruuias, Sotus, and commonlie other Diuines affirme, reſideth firſt in the communitie. For ſeing that Nature made all equall, and that there is no more reaſon why this power should be in one, then another, it followeth that it is

is first in the Communitie. I deny not but that in respect of imperfect societies, to wit, families, the good man of the house, by law of Nature is superiour, and that at first, all power was in the head of euery famelie; but when families increasing, men met together in Cities and Common wealthes, then none in particular had authoritie to gouerne that new communitie, and so the power was resident in the communitie. Some perchance might imagin that this power in the beginning of the world was in ADAM the first Parent of mankind: but although he was head of his familie, and so had the power called *Oeconomica*, yet had he no power of gouerning a Citie or Common wealth by creation; and therfore S. AVGVSTIN well obserueth that after God had said, *faciamus hominem ad Imaginem & similitudinem nostram*; *let vs make man to our Image and similitude*; he added not: *& præsit hominibus*; *and let him beare rule ouer men*, but *let him haue superioritie ouer the fishes of the sea, the fowles of the ayre, and beasts of the earth*. And so God at the first made no one man in particular Gouernour of Cities, and such great societies, and consequently this tẽporall power of gouerning was not residing in any one particular man, but only in the whole communitie.

Aug. lib. 19. de Ciuit. cap. 15.

Gen. 1.

6. But although no societies can lawfully meet, but that there must be in them a ciuill power to gouerne them, as is shewed:

ed: yet the particular manner of gouerning dependeth alſo of the determination, choiſe, and election of the Communitie. For as *Plato* and *Ariſtotle* affirme, there are three parttcular Kinds of gouernment: The firſt is called *Monarchia*, when one as King and Monarch gouerneth. The ſecond is called *Ariſtocratia*, when diuers, but few, and thoſe of the better ſort, equall in Authoritie, do rule; The third is called *Democratia*, when many, and thoſe of the Common people rule. The firſt gouernmẽt of it ſelfe is beſt, becauſe it is eaſier to finde one good and wiſe man, then few, much more hard to find many; and it is eaſier for many to obey one, then many; for to obey many, there are two difficulties; the one in thoſe that obey, and that difficultie is alſo found in a Monarchie; the ſecond in the commanders, and this is leſſe in a Monarchie, then in other gouernments, becauſe one can better agree then many, and ſo when one commandeth, it is eaſier for the ſubiects to agree in one, then when many command. And hence it is that *Tyrannie* which is oppoſit to *Monarchie*, is not ſo bad as *Faction* oppoſed to *Ariſtocratie*, nor *Faction* of a few ſo bad, as *Sedition* of the people oppoſite to *Democratie*.

Plato dial. de Regno. & l. de Rep. Ariſt. l. 3. Pol. c. 5.

Vide Bellar. li. 1. de Sum. Pont. c. 2

7. Now therefore, as the Communitie (as is before declared) hath power to gouerne it ſelfe; ſo hath it power to chooſe that gouernment which it liketh beſt, whether it be one

be one of the former three ſimple gouern-ments, or ſome other mixt of two, or of all three of them. And if the Communitie chooſeth Magiſtrates, who ſhall depend of the whole Communitie, then the Com-munitie is the chiefe gouernour, the Magi-ſtrates are but officers and miniſters, and ſo may be depoſed by the people, ſome times at pleaſure, ſome tymes only vpon ſome vrgent occaſion; and alwayes when the chiefe Magiſtrate dyeth, his heyres ſuc-ceed not neceſſarily, but only they, whom the people make choiſe of. This gouern-ment was amongeſt the Romanes, when they were gouerned by *Plebiſcita*, and Sena-tours; and is this day to be ſeene in the Common VVealth of the *Venetians*, the *Geneuians*, and thoſe of *Genua*. If the Communitie make choiſe of a King, then the Communitie despoileth it ſelf of Au-thoritie, and becometh a ſubiect, and as it were a priuate perſon, and giueth all power and Authoritie to the King to gouerne, not principallie for his owne priuate, but for the common good of the whole King-dome. And hence it is that the Common wealth cannot depoſe a King, as it may a Magiſtrate, vnles it be in caſe of intollera-ble Tyrannie.

8. Hence appeareth a great difference betwixt the afore ſaid power of the Com-munitie, and the Regall power of the King, becauſe the former power of the Commu-

nitie

nitie followeth of neceſſitie the lawfull meeting of many in one ſocietie, in ſo much that it is not in the peoples power to meet with intention to liue together, and not to haue that power; and ſo this power dependeth not of any election: but that the King, or Peeres, or the Magſtrate rule, and gouerne, depended at the firſt of the election, and free choiſe of the people, in whoſe power it was to chooſe one or many to gouerne the reſt, and ſo Kinglie power is in deede of God, but by meanes of election. It is of God, becauſe it proceeded from the Communities power, which is of God and Nature, neceſſarilie following the naturall inclination, which God hath imprinted in vs to liue in ſocietie; and yet it is in the King by free election, becauſe though the Communitie haue authoritie from God and Nature to rule it ſelf, yet that this power is giuen to the determinate perſon of the King, dependeth of the peoples election.

9. Now ſome thinke that ſuppoſing the peoples election, God immediatelie giueth th- power. This is the opinion of WIDDRINGTON in his Apologetical Anſwere for the right of Princes, where he affirmeth that. *Quicunque in ſupremum Reipublicæ ſuperiorem legitimè deputatur &c. VVhoſoeuer is lawfully deputed as ſoueraigne Superiour of the common VVealth, although he receaue that de-deputation or Title of power by the free conſent of men,*

VVid. in Apolog. Reſp. nu. 162. pag. 128.

of men, yet the totall power of ruling God onlie giueth vnto him by the law of Nature. But VViddringron should haue marked, that the people and Cõmunitie, from which lawfullie assembled necessarilie floweth (as aboue we haue seene) a power to gouerne it selfe, and to appoint gouernours, not onlie designeth the person of the King, but also trãsferreth her authoritie frõ her selfe to the King, and becometh her selfe a subiect, and as it were a priuat person. So that the Cõmunitie not onlie designeth the person of the King; but also despoiling her selfe of the power she had from God and Nature, giueth it vnto the person chosen and designed by her for King. And therfore S. Thom. sayth that *Dominion and prelacie* (Ciuill) *are brought in by humane lawe.*

D. Tho. 2.2. qu. 10.a.10.

10. VVherein may be seene a manifest difference also betwixt the Pope and the King. For the Cardinalles, When they choose one of their companie to be Pope, designe onlie his person (as *Caietan* well obserueth) but Christ only, and not the Cardinalles, after this deputation of his person, giueth the power and iurisdiction, it being supernatural, as not only the end, to which it is ordayned, but also the Actes and functions of this iurisdiction doe manifestlie declare; and therfore seing that a supernaturall Iurisdiction surpasseth the actiuitie of the Cardinalles, they being but morall Agents, and vsing no sacrament in the election and creation of the Pope, he being

Caiet. in opusc. de Pont.

being ordinarilie Prieſt and Bishop before, this Autoritie muſt be attributed only to God as the Authour: but the Kings authority is naturall, and morall, ordayned only of it ſelf to natural functions, and to a natural end, which is temporall peace and felicitie, and ſo it not exceeding the Actiuitie of the people, or Communities power, may, and is giuen by the people, and conſequentlie not only the deputation of the Kinges perſon, but alſo his Regall Authoritie proceedeth immediately from the people.

11. VVhence alſo may be gathered a difference betwixt the Authoritie, which was in the Communitie before it made choiſe of a King, and the Authoritie of a King, for that Authoritie of the Communitie, is immediately of God & Nature proceeding neceſſarilie from a Communitie lawfullie aſſembled, in ſomuch that it is not in the power of the Communitie to be without this power, vnles it giue it to one, or many gouernours; but the Authoritie of the King doth not neceſſarilie flowe from this Communitie, becauſe it is in the free choiſe of the Communitie to make election of that gouernment in particular, which it ſhall thinke beſt; and ſo if it make election of a Monarchical gouernment, and conſequentlie of the King, the King is to thanke the Communitie, not only for the deputation of his perſon, but alſo for his Regal

Authoritie, which being a naturall power, and being before contained *eminenter*, or *virtualiter*, eminentlie or virtuallie, in the Communities power (becauſe) as I haue ſaied (the Communitie at firſt had authoritie to chooſe which gouernement in particuler it thought moſt conuenient) is not to be aſcribed immediatly to God, a ſecond cauſe being found out ſufficient to produce ſuch an effect. And ſo the Kings authoritie in particuler, and taken determinatlie, is not immediately of God, or Nature, but cometh to him by meantes, not only of the peoples deſignation, but alſo of the peoples gift and donation. And this opinion is holden by the beſt Diuines both auncient and moderne.

D. Tho. 1. 2. qu. 90. a. 3. and. qu. 105. a. 1 ad 1.

D. Th. 1. 2. q. 105 ar. 1. ad 1. and 2. 2 q. 10. art. 10. Caieta. ib. Bellarm. to. 1. lib. 3. cap. 9. Suarez l. 3. de leg c. 4. Almai. li. de poteſt eccl, cap. 1. Prou. 8. Rom. 13.

But this not withſtanding, it is moſt true, which God ſaith. *Per me Reges regnant*, *Kings raigne by me*. To which his Apoſtle ſubſcribeth ſayeing: *Non eſt poteſtas niſi à Deo; itaque qui poteſtati reſiſtit, Dei ordinationi reſiſtit*: *There is no power but of God; therfore he that reſiſteth the power, reſiſteth the ordinance of God*: becauſe Kinges authoritie proceedeth mediatelie from God, to wit, by meanes of the authoritie of the Communitie, which proceedeth immediatelie from God and Nature: and it is alſo Gods prouidence that Kinges raigne ouer vs, and God as the firſt cauſe cooperateth to their election and creation, and approoueth alſo the ſame. But yet for all this the people

people is a second cause of Kinges authoritie.

13. If any obiect that Saul and Dauid were immediately created by God Kinges of the Iewes: I answere, that God in this preuented the people for the peoples good, for otherwise the Iewes by lawe of Nature, had authority to choose and create themselues a King as is already prooued. Neither doth it hence follow, that the people is aboue the King, or is not bound to obey the King, or can depose the King at their pleasure, for although the people at the first created the King: yet they created him not as a simple Magistrate, or officer, but as an Absolute Prince, and they dispoiled themselues of authoritie, to giue it to the King, as to one that can better rule, then the confused multitude, and became (as it were) a priuate personne, subiect, not superiour to the King; and so the Kinges power now (so long at least as he is not an intollerable Tyrant) is not depending of the people; and no meruaile; because many effectes, which depend of their causes *in fieri*, and in their first production, depend not of them *in facto esse*, and conseruation; So the Sonne liueth after his Father, and fruite may be extant after the tree is consumed; and we giue many thinges franckly and freelie, which afterwards we can not at our pleasure take away. VVherfore as a freeman selleth him self freely, but after the sale is so bound,

to his Maister, that he can not free him self at his pleasure, but remaineth, will he, nill he, a subiect, and bondman, who before was a freeman; so the people before the election of their King, is free & superiour, but after is a bounden subiect and inferiour, though by a Ciuil, not despoticall subiectiō. And so supposing this election, the people is bound in conscience to obey their King as superiour, and cannot now depose him, vnles it be in case of intollerable Tyrannie, (for then the common opinion holdeth, that the Authoritie, which the people had in the beginning to create him, returneth againe by deuolution to depose him) but must obey him in lawfull thinges, though he be difficile, and gouerne not altogether as he should doe, according to that: *Omnis anima potestatibus sublimioribus subdita sit*: *let euerie soule be subiect to higher powers*, and againe: *Itaque qui potestati resistit, Dei ordinationi resistit*: *therfore he that resisteth the power, resisteth Gods ordinance*. And againe: *Ideoq; necessitate subditi estote*. VVhich in Greeke is; διὸ ἀνάγκη ὑποτάσσεσθαι, *ideo necessitas est subijci*: *Therfore be subiect of necessitie*, and yet againe: *Subiecti estote omni humanæ creaturæ propter Deum, siue Regi, quasi præcellenti &c.* *Be subiect therfore to euerie humane creature for God, whether it be to the King, as excelling &c.* And as in the same chaptet Saint PETER commandeth seruents to be subiect in all feare to their Maisters, not only to the good and modest, but also to the waiward; so the people

D. Thom. Opus. 20. de Regi. Princ. cap. 1. Sotus l. 4 de Iust. & Iure q. 1. a. 3. & q. 4. a. 1.

Rom. 13.

1. Pet. 2.

people is bound to obey Kings, though waiward, and difficile, yea though they be Tyrantes, so that their first entrance be lawfull and they not deposed; yea though their entrance were by vnlawfull Inuasion, so that the people generallie did afterwards consent and accept of them as their Princes and superiours; for to a superiour, whileſt he remaineth superiour, and commandeth lawfull thinges, obedience is due; otherwise be he neuer so lawful, if he command things vnlawfull, *we must obey God before men*, and the King before the Viceroy. *Vide Lessium li. 2 de iust. & iure, c. 9. dub. 4.* *Act. 5.*

14. But against that which I haue saied of the creation of Kinges by the peoples election, some may obiect, that nowadaies in all Europe, almost all Kinges are made by succession, as are the Kings of Spaine, France, and England. To this I answere, that though this be so, yet the source and origin of this is also the peoples election. For at the first (excepting those Kinges, which extraordinarilie were giuē immediately from God to the Iewes) the people chose or approued the King, but perceauing what difficultie and daunger also of tumults and sedition would ensue, if after the death of their King, they should be to seeke, and stand vpon election of another, they were content that the lawfull heires of the first King chosen, should succeed to his father without newe election, although when the newe King is crowned, the peoples con-

ſent is demanded, and the King is ſworne vnto them; And in Spaine the Archbishop of Toledo receaueth the Kinges oath in the name of the Church and people; In France the Archbishop of Rhemes, In England the Archbishop of Canterburie; and ſo all Regall power, though not immediatelie, yet originallie cometh from the peoples election and donation.

15. And therfore wee ſee that the Kinges power in diuers countries is diuerſly limited, as in France and England, where many of the Kinges lawes are not taken to be of force, vnles the Parlament of ſtates concurre to the making or confirming of them, which limitation *VViddrington* aſcriberh to the King, as though he did voluntarilie thus limit him ſelf: But who ſeeth not how vnlikely it is that Kinges should thus reſtraine their owne power, and tye their owne hands? And if this limitation proceeded from the King, he might at his pleaſure alſo take it away; which were to giue Princes too much ſcope and libertie. VVherfore as the people gaue the King his authoritie; ſo it was the people that thus limited and reſtrained him for their owne preſeruation: for to the ſame Authoritie that giueth power, it pertaineth to reſtraine it.

In Reſp. Apol n. 174. pa. 137.

16. Hauing thus prooued that the King or Prince hath Authoritie from God as Authour of Nature (yet by meanes of the peoples election and graunt) to gouerne the

Kingdome

Kingdome or Common wealth; it followeth that he hath Authoritie, not only to command priuatelie, or particularlie, as the Goodman of the house may command his wife, children, or seruantes, but also to make lawes, which shall binde the whole Communitie, or Common wealth, otherwise if he should command, and the people might disobey, he could not rule, nor direct the people, and so should not haue sufficient Authoritie.

17. By which may appeare how absurd the opinion of our Reformers is, and how iniurious to Princes, yea and to God, that appointeth them, who blush not to say and auouch that all Christians (that is Caluinists) indewed with faith, are so freed by Christ from all lawes, and humane power, that they can not bynde them in cõscience.

Luth l. de capt. Bab. Calu l. 3 Inst. c. 19. n. 14 & l. 4. c. 10.

18. Certes Luther in his booke of Babylonical Captiuitie, and Caluin in his Institutiõs make it a part of the office of a Redeemer, in Christ, to haue so freed vs from all humane Authoritie and lawes, that they can not bynde vs in conscience. And the Anabaptists and Trinitarians, who an. 155⁰. at *Alba-Iulia* sett forth certaine *Antitheses* of the true and false Christ, in their seuenth *Antithesis* affirme, that *falsus Christus habet in suâ Ecclesiâ Reges, Principes, Magistratus, gladios; at verus Christus nihil tale in Ecclesiâ pati potest.* *The false Christ hath in his Church Kinges, Princes, Magistrates, swordes; but the true Christ can abide no such thing in his Church.*

But this opinion may be euidentlie conuinced by that which is sayd; for if Princes haue power from God and Nature to rule, they haue power to make lawes; and if they can make lawes, they can bynd in conscience, els their lawes were strawes, and to little purpose, especiallie when the subiect can auoid by slight the penaltie of the lawe. VVherfore Saint Paul commands vs to be subiect to all lawfull humane Authoritie *non tantum propter iram, sed etiam propter conscientiam : not only for wrath, but also for conscience sake.* And he addeth that he that resisteth this power which is of God, *Dei ordinationi resistit; qui autem resistunt, ipsi sibi damnationem acquirunt : resisteth the ordinance of God; and they that resiste, purchase to them selues damnation :* which argueth an obligation in conscience. Againe the same Apostle commandeth *Titus* to admonish Christians to be subiect to Princes and Potestates: Saint Peter commandeth them to be subiect to euerie humane creature for God, whether it be King as excelling &c. and he giues the reason saying: *for so is the will of God.* By which it is manifest that we are boũd vnder sinne, & vnder God his displeasure, to honour and obey Kinges, and Princes, and consequentlie that we are bound in conscience.

Rom. 13.

Ad Tit. 3.

1. Pet. 2.

19. Let not then our Reformers traduce Catholickes as enemies to Princely Authoritie, and Idolators of the Popes power; for we acknowledge and reuerence them both highlie

highlie in their kind: but let the Reformers looke to them ſelues, becauſe *qui alterum incuſat probri, ipſum ſe intueri oportet: he that accuſeth another, muſt looke that he him ſelfe be free.* VVee Catholickes ſay not with Iudas Galilæus, That no Prince is to be obeyed; nor with Creſconius, That the Magiſtrate ought not to punishe; nor with the Beguards, That the perfect are not bound to obey lawes; nor with VVickleph, That the Prince by mortall ſinne looſeth his Authoritie; nor with Luther, That the Turke is *decies probior, prudentiorque noſtris principibus, ten times honeſter and wiſer then our Princes*; nor with the aforeſaid Trinitarians, Anabaptiſts, and Libertines, That the true Chriſt ſuffreth no Princes, nor Magiſtrates in his Church; nor with Buchanan, That the people onlie is to make lawes, *Reges ſunt veluti Tabulariorum cuſtodes*; nor with Goodman, That women cannot raigne, and that therfore Wiat riſing againſt Queene Marie, was no Traitour; nor with Beza doe we call that lawfull and worthy Queene Marie, the Mother of our ſoueraine King Iames, Medæa, and Athalia, as though (as he ſaith) *Nullum illius ſceleribus nomen idoneum inueniri poſſet: no name anſwerable to her wickedneſſes could be found out*; Nor with Luther and Caluin, that Princes lawes bynd not the faithfull in conſcience: But wee ſay and beleeue with ſcripture; *Thow ſhalt not detract from the Gods* (that is, Princes, who are called *Gods* by

Plautus.

Ioſeph. l. 18. Ant. c. 2. Aug. l. 3. cōt. Creſ. c. 15. Extra de haret. c. 4 Anton. 4. p. tit. 11. ca. 7. § 9. Luth. l. de ſæcul. poteſt. Trinita. aij ſupra. Buchan. li. de iure Regni. Goodmā l. de obedien. pag. 203. Beza ep. 78. ad Buchanan. Luth. ſupra. Caluin l. 4. Inſt. c. 19 §. 14. Exod. 22.

participation) *nor speake euill of the Prince of thy people.* VVe confesse that by God Princes raigne: we command to giue to Cæsar, what is due to Cæsar: we allowe of S. IGNATIVS counsell: *Cæsari subiecti estote in ijs, in quibus nullum animæ periculum. Bee you subiect to Cæsar in those thinges, in which is no daunger of the soule:* we are taught to giue to Magistrates (as S. POLICARP sayd) and Potestates appointed by God, that honour, which is not preiudiciall to our soules, or Religiō. we worship (as TERTVLLIAN sayeth) the Emperour, (the King) *sic quomodo & nobis licet, & ipsi expedit; vt hominem à Deo secundum, & solo Deo minorem: so as it is lawfull for vs and expedient for him, as a man second (in Temporall Authoritie) to God, and only lesser then God.* For whilst the King keepeth within his bounds, he hath no superiour in temporall matters, but God. And this is the honourable conceit which Catholikes haue of their Kinges and Princes.

Prou. 8.
Mat. 22.
Ign. epi. ad Antioch.
Euſ l. 4. hiſt. c. 14
Lib. aduersus Scap. cap. 2.

CHAPTER III.

Ecclesiasticall power is of God, and distinct from the Ciuil Iurisdiction, which also all members of the Church are bound in conscience to obey.

1. HAuing giuē to Cæsar and the Kingdome, what is due to thē; It follow-

eth

eth that I giue to Christ and his Vicaire, yea and Church also, what belongeth to them. I haue prooued in the former chapter that Ciuill power is of God and Nature, because it is necessarilie annexed to all lawfull societies, to which God and Nature do incline vs: And seing that the end of all lawfull societies is not only temporall felicitie, but also the seruice and worship of God, (for we are not only created to speculate the starres, as *Anaxagoras* imagined; but also to knowe the Creatour of all, and to adore him) I will go a step further, and will not feare to auerre, that not only Ciuill Authoritie, but also some Religion and worship of God proceedeth from the Inclination and propension of Nature.

2. Certes we are led by the light of reason to the knowledge of a Godhead and Diuinitie. For who is hee that looking vpon this admirable peece of worke, which we call the world, thinkes not by and by of a God that created it? If as S. GREGORIE Nazianzen sayth: *Qui Citharam contemplatur, tametsi Citharœdum non videat, nihilominus affirmaret accuratâ mentis intelligentiâ mysticum instrumentum illud fuisse concinnatum, who so beholdeth an harpe, although he se not the harper, will yet affirme that that mystical instrument was made and tuned by an exquisite vnderstanding of the minde?* If as *Cicero* sayth, he that had seene *Archimedes* spheare, which imitated the Celestial globes, and represented all their diuers motions, could

Orat. de Theol.

could not but thinke of ſome cunning and and ingenious Mathemarician or Aſtrologer that compoſed or deuiſed it: How can man eſſentiallie reaſonable, be ſo deuoyd of reaſon, as to thinke that the whole ſpheare, and globe of the world, in which he ſeeth ſo great order in ſo great varietie of thinges, was compoſed and effected by chance, or of it ſelf appeared in ſuch goodlie order, and not of one, who is aboue the ranke of Creatures, which is God? Wherfore all Fathers and Diuines affirme that by the light of Nature, euery one, that will not wilfullie be blind, (as *Diagoras* and *Protagoras* ſurnamed Ἄθεοι were) may diſcouer a Godhead.

Orat. 1. de Theol. quæ eſt 34. S. GREGORIE Nazianzen expreſſely affirmeth, that not only the lawe of Nature, but alſo euen our eyes do bring vs to the knowledge of God. VVhich point the wiſe man touchinge ſayeth: *Sap. 13.* *A magnitudine enim ſpeciei & creaturæ cognoſcibiliter poterat Creator omnium videri*: *For by the greatnes of the beautie, and of the creature, the Creatour of them may be ſeen to bee known therby.* To whom alſo S. PAVL *Rom. 1.* ſubſcribeth in theſe wordes: *Inuiſibilia enim ipſius à creatura mundi, per ea, quæ facta ſunt, intellecta conſpiciuntur, &c. For his inuiſible things, from the creation of the world are ſeen, being vnderſtood by thoſe thinges that are made, &c.*

3. And if by naturall reaſon we may diſcouer a Godhead; the ſame reaſon will teach vs, that a Religion is neceſſarie, by which this Godhead ſhould be worſhipped,

ped. VVhence it is that *Lactantius* ſayth: *Idcirco mundus factus eſt, vt naſcamur; ideo naſcimur, vt cognoſcamus factorem mundi ac noſtri, Deum: Ideo agnoſcimus, vt colamus; ideo colimus, vt Immortalitatem pro mercede laborum capiamus:* *Therfore the world was made, that wee might be borne; therfore wee are borne, that wee may acknowledge the maker of the world, and of our ſelues, God: therfore wee acknowledge him, that wee may worship him: therfore wee worship him, that we may receaue a reward for our labours.* And certes there is ſuch a neceſſarie connexion betwixt God and Religion, ſuppoſing that there be any creature, that can worship him (as only men and Angels can) that if you graũt a God, you muſt needes graũt that he is to be worshipped. For by God we vnderſtand the moſt noble and excellent thing that is, and which by creation hath a greater ſuperioritie ouer vs, then our Parentes haue by generation: and ſeing that honour and worship is due to excellencie and ſuperioritie, ſupreame honour, which is Religion, muſt needes be due to God, who hath ſupreme excellencie and ſuperioritie. And it is ſo deepely imprinted in vs, that there is a God, and that he is to be worshipped, that as Cicero ſayeth: *Nulla gens eſt tam fera, nulla tam immanis, cuius mentem non imbuerit Deorum cognitionis opinio:* No nation ſo barbarous, none ſo fierce and cruell, whoſe minde hath not been imbued with an opinion of the Gods, and that worship is due vnto them, VVhereto Plutarch addeth, That you shall

Lib. 7. de diu. Inſt. cap. 6.

Cicero de nat. Deor.

Plut aduerſus Coloten.

shall sooner finde Cities without walles, lawes, letters, coynes, then without Temples, and worship of God, or Gods. Yea sayth Cicero: *Omnes Religione mouentur, & Deos Patrios, quos à maioribus acceperunt, colendos sibi diligenter, & retinendos arbitrantur. All are moued with Religion, and do thinke that they must worship and keepe diligentlie their Countrie Gods, whom they haue receaued from their Anceſtours.* And although many haue miſſed in the right God, whom they should haue worshipped, yet therby they shewed their naturall inclination to Religion; becauſe from the Inſtinct they had from Nature to the worship of the true God by true Religion, proceeded their manifould ſuperſtitions and Idolatries, to which they would neuer haue beene ſo obſtinatelie addicted, had they not imagined in them true worship and true Religion.

Orat. 5. in Verrē.

4. Wherfore as by the naturall Inclination, that men haue to liue in ſocietie, I haue prooued in the former chapter, that there is a Ciuill power, by which they may gouerne themſelues in ſocietie; ſo by the naturall inclination, by which men are no leſſe prone to honour and worship a Godhead, I may prooue that there is a kind of Eccleſiaſticall power, which is *de Iure Naturæ*, by which they might gouerne themſelues in matters pertaining to Gods worship, preſcribe Ceremonies, and the manner how God should be honoured; elſe God and Nature in vaine had inclined men to

honour

honour God in ſocietie. And ſo although God had left vs to Nature, and had not ordained vs to Grace or Glorie; yet in all lawfull ſocieties, there had beene two Powers, the one *Ciuill*, which should haue preſcribed lawes tending to Motall Iuſtice, and conſeruation of the people in their temporall ſtates; The other Eccleſiaſticall, preſcribing lawes and Ceremonies for the worship of God. And in this caſe theſe Powers had beene diſtinguished in reſpect of their diuers actes aud endes, and should moſt commodiouſlie haue beene committed to diuers perſons, or Magiſtrates and Prieſts; but then the Eccleſiaſticall power had not had the power to exerciſe any ſupernaturall Actes, being not ordained in that caſe to a ſupernaturall end, and proceeding only from Nature and naturall inclination, as is declared.

Vide Victoria. Relect. de poteſt. Eccleſ.

But if we diſpute not of that which might haue beene, but that which is; then we muſt confeſſe that all Eccleſiaſticall Power, which is now vnder the lawe of Chriſt, and was heretofore vnder the law of Moyſes, proceedeth from God his poſitiue ordinance, Inſtitution, and conſtitution. For as God preuented the Iewes, and whereas they by lawe of Nature had permiſſion to chooſe their Kinges, yet for their greater good, he choſe thē one him ſelue immediatelie: ſo although by the lawe of Nature, men otherwiſe might haue preſcribed the

the manner of worshipping God, and the worship had been lawfull, so that it had been the worship of the true God, and had been free from superstition; yet because God hath ordained vs to a supernaturall end, and would haue our Ecclesiasticall gouernment free from all superstition, he hath himselfe appointed the manner of gouernment, and hath giuen the Authoritie. So in the lawe of Moyses he chose the Tribe of Levi to serue in the Tabernacle and Temple, and to menage Ecclesiasticall matters; he instituted also sacrifices, sacramentes, and Ceremonies: in like sort in the new lawe of Grace (vnder which we liue) he committed the gouernment of his Church to the Apostles and Disciples only, and their successours; he instituted seuen Sacramentes, and a sacrifice; he gaue vs a lawe and beleefe, which first he deliuered by preaching, then by the written Ghospelles, and Epistles of his Apostles; and other thinges he committed to the Church, which he had instituted and established.

5. So that as there is a Ciuill and Temporall Power residing in the Common wealth, by which the Prince or Magistrate can gouerne and rule, and cõmaund for the conseruation and promotion of the Temporall good of the same: so is there a spirituall and Ecclesiasticall Power residing in the Church, by which the Pastours haue Authoritie to preach, teach, administer Sacraments,

cramentes, determine of matters of Religion, to call Councelles for the better clearing of matters, and enacte lawes which shall be thought expedient vnto the honour of God, the spirituall good of the Church, and euerie ones saluation. And this is called Ecclesiasticall power, which is distinct from the Temporall in many pointes.

6. *First* in respect of the end and finall cause: for Temporall power of it selfe aymeth only at Temporali Iustice, peace, and conseruation of the Temporall state of the Kingdome or Common wealth; Ecclesiasticall power intendeth in this life the spirituall health of the soule, and eternall rest and peace in the next. *Secondlie* these powers haue diuers Actes, and seing that powers are distinct by their Actes, it followeth that Temporall, and Ecclesiasticall or spirituall power are distinct. That they haue distinct Actes, it is manifest: for the Temporall power maketh lawes for this corporall life, and Temporalle state; but the spiritnall and Ecclesiasticall power maketh lawes for the soule, and her direction: the Temporall power remitteth the paines only of sinnes; but the spirituall Power, remitteth the sinne it self, according to that: *Quorum remiseritis peccata, &c. VVhose sinnes you shall forgiue &c.* The Temporall power inflicteth and remitteth only Ciuill and Temporall punishments, as imprisonment, banishment, Temporall death; but the spirituall power, Ioan. 20

as now it is, (for in the old law there was not *Poteſtas Clauium*) excommunicateth, ſuſpendeth, interdicteth, which are ſpiritual punishments and bonds of the ſoule, and remitteth not only theſe paines, but alſo eternall death and paine of Hell; for when the Prieſt remitteth mortall ſinnes, he chaũgeth eternall paine into temporall; yea ſome times, when the Penitent cometh with a great contrition, he remitteth both Eternall and Temporall. *Thirdly* they differ in their obiectes; for the ſpirituall power diſpoſeth not of Temporall thinges, but only as they are neceſſary to the ſpirituall; The Temporall meddleth not with ſpirituall, nor Eccleſiaſticall matters, according to that of S. AMBROSE: *Ad Imperatorem Palatia pertinent, ad ſacerdotem Eccleſiæ, Publicorum tibi manium ius commiſſum eſt, non ſacrorum:* To the Emperour Pallaces appertaine, to the Prieſt Churches: to thee (Emperour) the right of common Walles is committed, not of Churches. And NICHOLAS Pope in an Epiſtle to MICHAEL the Emperour. *Nec Imperator iura Pontificum arripuit, nec Pontifex nomen Imperatoris vſurpauit; quoniam Chriſtus ſic actibus propriis & dignitatibus diſtinctis officia poteſtatis vtriuſque diſcreuit.* Neither hath the Emperour taken to him the rights of Bishops, neither hath the Bishop vſurped the name of the Emperour; becauſe Chriſt hath diſtinguished the offices of both by their diſtinct actes and dignities. Fourthlie they differ in reſpect of the ſubiect and materiall cauſe; for although it be not impoſſible

S. Ambr. lib. 5. ep. 33. ad Marcel. ſoror.

Ca. Cum ad verũ, diſt. 96. Vide etiã ca. Quoniam, d. 10.

ble for these two Powers to consort in the same subiect (for we see they did in *Melchisedech*, and in the first begotten of the Iewes in the law of Nature, and in the *Machabees*, who were Priests and Princes, and consequentlie had temporall, and spirituall power) yet as in other thinges these powers are distinct, so God, not only in the law of Grace, but also in the law written of Moyses would haue these powers placed in distinct subiectes and Persons. For in the law of Moyses AMARIAS menaged matters of the Church & law; ZABADIAS gouerned the affaires of the Kingdome: the Kinges and Princes of the Iewes were of the Tribe of IVDA, the Priests of the Tribe of LEVI; and those gouerned onely the Common VVealth, enacted Temporall lawes, waged battaile &c. whereas the Priests ruled in matters of the Tabernacle and Temple, offered sacrifice, and gouerned the Synagogue: And now in the law of Grace Christ giue all spirituall power to the Apostles and their successours, and not to Princes; for to the Apostles, and their successours it was saied: *VVhatsoeuer you shall bynd vpon earth, shalbe bound in heauen, and whatsoeuer you shall loose vpon earth, shalbe looſed in heauen*: To Princes it was neuer sayd so. To the Apostles, and their successours it was sayd: *Whose sinnes you shall forgiue, they are forgiuen them; and whose you shall retaine, they are retained*: To Princes neuer. To S. PETER an Apostle and Priest,

2. *Paral.* 19.

Mat. 18.

Ioan. 20.

Mat. 16 it was sayed: *Thou art Peter, and vppon this Rock will I build my Church*: To no Prince was it euer sayd in that sort. To Apostles and Priests Christ sayed: *Goinge therfore teach ye all Nations, baptising them in the name of the father, the sonne, and the holy Ghost*: To Princes neuer. Matth. vlt. Ioan. 6. To Apostles and Priests Christ said: *As my liuing father hath sent me, so I send you*, that is, to preach, to minister Sacramentes, and to gouerne the Church: To Princes neuer. To Ephes. 4. the Apostles, Doctours, Pastours, Prophets, Christ committed his Church to be gouerned, to Princes neuer. To Priests S. Paul Act. 28. gaue this admonition: *Attendite vobis, & vniuerso gregi, in quo vos Spiritus Sanctus posuit Episcopos regere Ecclesiam Dei, quam acquisiuit sanguine suo. Take heede to your selues, and to the whole flocke, wherin the holy Ghost hath placed you Bishops to rule the Church of God, which he hath purchased with his owne bloud*. But neither he, nor any Apostle euer gaue that charge to Princes. Fistelie they differ in the cause efficient: for the Ciuill and Temporall Power proceeds from God, and Nature, by meanes of the peoples election, as is in the former Chapter declared; but the spirituall power of the Church, as it implieth *Potestatem ordinis & Iurisdictionis in foro interiori*, is from God immediatelie, it being supernaturall, and exceeding humane power: And although the Ecclesiasticall humane power, which inferiour Prelates haue, proceeded from superiour Prelates, especiallie the Pope; yet not from

from the Prince or Common wealth, but from the Paſtours, and Church. So that as the Pope, Prieſts, and Church doe willinglie acknowledge the temporall and ciuill power of the Prince, Magiſtrates, and Common wealth, or Kingdome; ſo the Prince, Magiſtrates, and Common wealth muſt be content to recognize a ſpirituall power of the Pope, Bishops, Prieſts, and Church, to which obedience is due euen of Princes, who are ſubiect to the Church no leſſe then are temporall ſubiectes to the Prince, yea rather more.

7. This power all true Chriſtians and Catholickes acknowledge; none but Hereticke and Infidels deny. The Waldenſes, as witneſſe *Guido*, and *Turrecremata*; as alſo VVicleph, and Hus, as the *Councell* of *Constance* relateth, denyed all Eccleſiaſticall power, and ſayed, that Popes, and Bishops Decrees, and Canons did not bynd any. The ſame is Luthers opinion. Caluin affirmeth, that neither the Pope, nor his mitred (Caluin ſayeth horned) Bishops can bynde mens Conſciences, by their decrees and ordinances: and that for two cauſes. *First* becauſe they are no true Bishops, which yet neither he, nor all his ſecte, could euer prooue. *Secondlie* becauſe though they were true Bishops, yet they are not legiſlatours, or lawmakers, that Tytle agreeing only to Chriſt; only he and his graunt that they may inculcare Gods lawes, but make no newe,

Guido Carmel. in har. VVald. Turrecr. l. 4. Sũma de Eccl c. 35. Cõc. Conſt. ſeſſ. 8. et 15. a. 14 Luth. a. 27. Dan in Bulla Leon. 10 Cal l. 4. Inſt. ca. 20 n. 6. & 7.

8. Well it is knowen that is was alwaies the manner of Heretickes to contemne all Eccleſiaſticall Authoritie, becauſe it condemned them. But as I haue alleaged proofes in the former Chapter for Ciuill power of Princes; ſo can I not want argumentes for the ſpirituall and Eccleſiaſticall power. when Chriſt promiſed PETER, that he ſhould be the foundation and head of the Church, he promiſed this power in, and ouer the Church: for if PETER be head of the Church, he can rule the myſticall bodie, and if he can rule the ſame, then can he alſo make Eccleſiaſticall lawes, for that is belonging to a ſuperiour of euerie great and perfect communitie, as is before shewed. *Secondlie*, Chriſt gaue this power to PETER, when after his Reſurrection he ſaied: *Paſce oues meas. Feede my ſheepe.* For the office of a Paſtour may be gathered by the office of a shepheard, who is to gouerne his sheepe, to feede them, and to defend them from the wolfe; and ſo a ſpirituall shepheard and Paſtour, muſt haue authoritie to rule by lawes, to feede by preaching and Sacraments, aud to defend by cenſures and his Paſtorall ſtaffe, and coerciue power. VVhereupon Saint Paul ſaith, that Chriſt hath giuen to his Church not only Doctours and Propheres to teach, but alſo Paſtours to feede and gouerne. And ſeing that the Church hath as much neede now of a ſupreame viſible Paſtour, and rather more, then at the beginninge, it followeth, that

Mat. 16.

Ioan. 21.

Eph. 4.

PETER

PETER hath a ſucceſſour, who hath the like Authoritie: And ſeing that all Fathers, all Councelles, all hiſtories, all practiſe of the Church, poſſeſſion and preſcription for 1600. yeares, ſtande for the Pope of Rome, he is this ſucceſſour, and he it is, that hath the ſupreame Eccleſiaſticall and ſpirituall power after Chriſt. *Thirdlie*, Chriſt commandeth to obey the Church, and ſaith, *That he that will not giue eare to the Church, is to be accounted as an Ethnike and Publican*; which is a ſigne, that the Church hath Authoritie and Iuriſdiction to heare cauſes, and to pronounce ſentences, to which obedience is to be giuen. *Fourthlie*, not withſtanding that in the old law of Moyſes God determined almoſt all by him ſelf, by his morall, iudiciall, and ceremoniall lawes; yet he gaue power to the Synagogue, and her Paſtours to interprete the law, to reſolue doubtes concerning the law, and to enact ſome lawes as occaſion was offred. And therefore we ſee with what ſeueritie God commanded obedience to the Prieſts ſaying: *Si difficile & ambiguum &c. If thou perceaue that the Iudgement with thee be hard and doubtfull betweene bloud and bloud, cauſe and cauſe, leproſie and leproſie; and thou ſee that the wordes of the Iudges within thy gate do varie; ariſe and ge vp to the place, which our Lord thy God ſhall chooſe, and thou ſhalt come to the Prieſts of the Leuiticall ſtocke, and to the Iudge that ſhall be at that time, and thou ſhalt aske of them, who ſhall ſhew thee the truthe of the Iudgement. And thou*

Mat. 18.

Deut. 17

shalt do what soeuer they, that are Presidents of the place, which our Lord shall choose, shall say and teach thee, according to his law, and thou shalt follow, the sentence &c. And he that shalbe prooued refusing to obey the commandement of the Priest, which at that time ministreth to our Lord thy God, and the decree of the Iudge, that man shall die: and thou shalt take away the euill out of Israel, and the whole people shall feare, that none afterward swell with pride. By which we see that the Highe Priest had Power not only directiue, but also coerciue vnder paine of death. And we read how the victorie of Iudith ouer Holofernes was celebrated by the Iewes with commandement of a holie daye: which law was merelie Ecclesiasticall, made by the Priests, and was not commanded by God his law. The like festiuall day was decreed by *Mardochæus*, and receaued by the Iewes in memorie of their deliuerie from Amans tyrannie by meanes of Hester, which also was no diuine, but an humane and Ecclesiasticall law. Likewise the Machabees instituted the feast of the Dedication, which Christ afterwards obserued with the rest of the Iewes; and yet this was not commanded by God his law. Againe Christ commandeth to do that which they who sitt in Moyses Chaire doe saie, but not alwaies what they doe; much more would he haue vs to do that, which they who sitt in Saint Peters, yea Christs seate, do command. And we read in the Actes (which *Caluin* well saw, but glosseth vntoward-

Iudith vlt.

Hester 9.

1. Mach. 4.

Ioan. 10.

Mat. 23.

Lib. 4. Inst. cap. 20. n. 21. Act. 15.

vntowardlie) how the Apoſtles in their firſt Councell made a new law, by which they commanded the conuerted Gentils to abſtaine from eating of bloud and things ſtrangled, which were now (the olde lawe being abrogated) things indifferent, and not otherwiſe forbidden. *Fiftlie*, Chriſt gaue authoritie to his Apoſtles to looſe and bynd by excommunications, ſuſpenſions, and interdicts; which actes of Iuriſdiction are the ſpirituall bands and Cenſures, which the Church layeth vpon rebellious Chriſtians, as Diuines and Fathers interprete; Which power Saint *Paul* in his ſecond Epiſtle to the Corinthians inſinuateth ſaying: *If I come againe, I will not ſpare*; and againe; *Theſe things I write abſent, that being preſent I may not deale hardlie, according to the power, which our Lord hath giuen me vnto edification, and not vnto deſtruction.* And in his firſt Epiſtle he ſayth: *VVhat will you? in rodde that I come to you, or in charitie and the ſpirit of mildneſſe?* And againe, he in abſence by his letters and *mandatum*, excommunicateth the inceſtuous perſon, and deliuereth him vp to Satan. Out of which wordes Saint Gregorie of Niſſe, and Saint Chryſoſtome do gather the power of Excommunication: As alſo doth Saint Hierom, who marueileth that the Bishop, in whoſe Dioceſe Vigilantius liued, did not *Virga ferrea confringere vas inutile, & tradere in interitum carnis, vt ſpiritus ſaluus ſiat*: *With an iron rodde breake that vnprofitable veſſel, and deliuer him to Satan for the deſtruction*

Mat. 18.

1. *Cor.* 4.

1. *Cor.* 5.

D. Th. in hac loca. Gregor. Nyſſ. in orat. aduerſus eos qui agre ferunt reprehenſ. Chryſoſt. hom. 60. *ad pop. Ant. Hieron. ep.* 53.

of the flesh that the spirit may be saued. So S. AVGVSTIN, so all Fathers, so Caluin him selfe vnderstand this place of the power of Excommunication, though Caluin will haue onlie the Presbyterie and companie of Seniours, not any one alone, to excõmunicate, contrarie to the expresse text, which telleth vs, that Saint Paul alone absent did excommunicate, and deliuer vp to Satan. VVhere is to be noted, that by excommunication stubbern Christians are saied to be deliuered vp to Satan, either becauſe they are cast out of the Church, where Satan domineereth; or else for that they are depriued of the suffrages and helpes of the Church, and so more exposed to Satans tentations; or lastely becauſe in the Primatiue Church, the Deuil by and by seazed and tooke possession of the person excommunicated.

Aug l 1, de pen. cap. 14.

10. *Sixtlie*, as becauſe the law of Nature could not determine particularly of all particulers, Ciuill power was necessarie to gouerne the Communitie, and enact lawes conducing to the Temporall state: so becauſe God his law hath not determined all particulers; it was necessarie the Church should haue power to call Councelles, to make particuler lawes, according to the times and other circumstances.

11. *Seuenthlie*, euerie absolute Common wealth hath power in the Prince and Magistrates to gouerne and defend it self, to make lawes, to punishe Malefactours &c.

But

But the Church is an absolute Common wealth, and more absolute then a Kingdome, this being subordinate to that, not that to this, *ergo* it was to haue all spirituall Authoritie necessarie to gouerne and defend it selfe, else Christ had not sufficientlie prouided for it.

12. *Fightlie*, we are bound to obey Princes lawes and Authoritie in conscience, *ergo* much more the Churches Authoritie and law, this being spirituall, that but temporall, this being the subordinant, that the subordinat power, as wee shall see herafter. And therfore if the Apostle will haue euerie soule to be subiect to Authoritie and *higher powers*, he will especiallie that they be subiect, if they be members of the Church, vnto her spirituall power: for as SYMMACHVS Pope sayd once to the Emperour ANASTASIVS: *Si omnis potestas à Deo est, magis ergo quæ rebus præstituta est diuinis: defer Deo in nobis, & nos deferemus Deo in te. If all power be of God, much more therfore that power which gouerneth diuine matters; Honour thou God (ô Emperour) in vs, and we will honour him in thee.*

Rom. 13

Ep. ad Anastas. Imp.

CHAP. IIII.

Chapter IIII.

These two Iurisdictions and powers, Ecclesiasticall *and* Ciuill, *are compared and conferred: and the preeminence is giuen to the* Eccleſiasticall.

1. AS the little world *Man*, called μικροκοσμὸς, can not consist without bodie and soule, nor the great world without the Sunne and Moone: so neither can the spirituall world of the Church flourish any time, vnlesse it be supported, as by two Pillars, by the spirituall and Temporall power and Authoritie. But as if the Moone should or could contend with the sunne, and would or could disdaine to receaue light from the sunne, or would or could encroach vpon the sunnes right in the gouernmet of the day, all would be out of order: so if one of these powers should be at variance with the other, and would not receaue light and direction by the more lightsome; or would encroach preposterouslie on the others demaines, the Church could not long flourish. And as if the body should rebell against the soule, the flesh against the spirit, sensualitie against reason, it would perturbe reasons order, and breake the Oeconomie of Morall life; so if one of these powers should offer

offer iniurie to the other, the Mysticall bodie of Christ his Church would be out of frame. Wherfore seeing that Christ, the Wisdome of God, is the Authour of both, he no doubt, hath disposed them sweetlie, and consequentlie hath setled some order betwixt them, because. *Quæ à Deo sunt, ordinata sunt. Those thinges that are of God, are ordered.* And for as much as *Pluralitas principatuum non est bona; Pluralitie of principalities is not good,* to wit, Vnlesse one be subordinate to the other, no doubt he hath subiected one of these to the other. For which cause in this Chapter I will endeauour to shew, which of these powers taketh the precedence, which hath the preeminence and superioritie, wherin, and how farre.

Sap.7. *Rom.13.* *Arist. l.12. Metaph. cap.vlt.*

2. But because Comparisons betwixt so great Powers and Principalities, and especiallie in these our corrupted times, are odious, I protest before hand, that I entend not do detract any right or prerogatiue from either, but onely to giue to *Cæsar* and his temporall power, what belongeth vnto them, and to *God* and his *Church*, what appertaineth to them. For I confesse, and haue prooued, that both these Authorities are of God; both are excellent and eminent in their kinde; both to be honoured; both to be obeyed within their limites; both so necessarie to the Church of God, that it can no more stand without them, then the world without Sunne and Moone. For

Mat.22.

take

take away Temporall power, and who shall defend the Church, and assist her for the execution of her lawes and sentences? Take away the spirituall power, and who shall direct and correct the Temporall when it is exorbitant? Take away the Temporall, and who shall drawe the sworde? Take away the spirituall, and who shall preach the worde? Take away the Temporall, and who shall haue care of our corporall and temporall life? Take away the spirituall, and who shall haue care of the spirituall and eternall life? But let the one not encroache vpon the other; let both helpe one another, and both are stronger; as was excellently obserued by NICHOLAS the Pope: *Cum ad verum ventum est, neque Imperator Iura Pontificatus arripuit, nec Pontifex nomen Imperatoris vsurpauit; quoniam idem Mediator Dei & hominum, homo* CHRISTVS IESVS, *sic propriis actibus & dignitatibus distinctis officia Potestatis vtriusque discreuit, vt & Christiani Imperatores pro æternâ vitâ Pontificibus indigerent; & Pontifices pro cursu temporalium tantummodo rerum, Imperialibus legibus vterentur: VVhen it came to the vnderstanding of the truth, neither the Emperour did take vnto him the rightes of Bishop-like authoritie, nor the Bishop did vsurp the name of the Emperour; because the same Mediatour of God and men, man Christ Iesus, hath distinguished the offices of both powers by their proper actes and distinct dignities, as that Christian Emperours for attaining eternall life should neede Bishops,*

Nichol. epist. ad Michael. Imp. cap. Cum ad verum ventum est, d. 96.

and

and Bishops should vse the Imperiall lawes for the cause only of temporall thinges.

3. But as both are necessarie, so both are not equall, but the one inferiour to the other, the one subordinate to the other, else the one would be an hindrãce to the other, and both would cause confusion. And certes, if we will not preferre the bodie before the soule, heauen before earth, temporall before eternall life; VVe must preferre the spirituall and Ecclesiastieall power before the Temporall, and consequentlie the Church before the Common VVealth.

4. These two powers, and the preeminẽce of the spirituall before the Temporall, were prefigured (as *Turrecremata* hath well remarked) by the two brazen Pillars in the Porch of Salomons Temple The Porch was a figure of the Church Militant, the Inner Temple of the Church Triumphant; because as by the Porch the Iewes entred into the Temple, so by the Church Militant, and by no other way, Christians haue entrance into the Church Triumphant: The two brazen Pillars that sustained the Porch, signified the Power Temporall & spirituall, which support the Church Militant: and the pillar on the right hand signified the spirituall power; the Pillar on the left hand the Temporall power; whence it is that that must take the precedence of this, and this must be subordinate to that. *Turrecr. lib. 4. cap. 87. 3. Reg. 7.*

5. And truly that the spirituall and Ecclesiastic

siasticall power is superiour to the Temporall, and more eminent then it, I proove *First* by those thinges, by which I haue prooued them in the former Chapter to be distinct. For the end and finall cause of the temporall power, is temporall and naturall, to witt, temporall peace; the end of the spirituall Authoritie, is eternall and supernaturall peace, the immediat cause efficient of the Temporall, is the people, the immediat cause of the spirituall, is God: The matters, in which the temporall power is occupied, are temporall; the affaires, which the spirituall gouerneth, are Eccle siasticall and spirituall: the functions of the temporall, are all temporall; the functions of the spirituall power, are all spirituall and supernaturall, as absoluing from sinnes, ministring Sacraments, offering of sacrifices, enacting lawes for the soules health, excommunicating, absoluing, &c. The temporall ruleth especially the bodies; the spirituall, the soules: that ruleth the Kingdome, or Common Wealth; this the Church. To the King, the Keyes of Cities are offered; to the Priest and Pastour the Keyes of heauen: He remitteth temporall Mulctes and paynes, no sinnes at all; The Priest and Pastour remitteth sinnes, and absolueth from all paynes: He can cast out of his Kingdome by banishement; the Pastour out of the Church by Excommunication. And therfore, looke how farre eternall felicitie excelleth temporall,

porall, God the People, ſupernaturall and diuine thinges, naturall and humane, ſpirituall functions, temporall, ſoules bodies, the Church the Common VVealth, the Keyes of heauen the Keyes of cities, ſinnes ciuill penalties, eternall temporall punishment, excommunication banishement; ſo farre the Eccleſiaſticall and ſpirituall excelleth the Ciuill and Temporall Authoritie. By this Argument S. CHRYSOSTOM (as alwaies) very excellentlie proueth the Prieſts to be greater then the King. *Mane intra tuos terminos, ô Rex. alij ſunt termini Regni, alij ſacerdotij; hoc Regnum illo maius eſt. Rex ea, quæ ſunt in terris, ſortitus eſt adminiſtranda; cæterùm ius ſacerdotij è ſupernis deſcendit: Regi corpora commiſſa ſunt, ſacerdoti animæ: Maior hic Principatus, propterea Rex caput ſubmittit manui ſacerdotis, & vbique in ſcripturâ ſacordotes inungebant Reges:* Remaine within thy boundes, O King: others are the limites of the Kingdome, others of Prieſthood: this Kingdome is greater then that. The King hath the adminiſtration of the things of the earth, but the right of Prieſthood deſcendeth from aboue. To the King bodies are cõmitted, to the Prieſt ſoules: greater is this principalitie: and therfore the King inclineth his head to the hand of the Prieſt: and euerie where in Scripture, Prieſts did anoint Kiugs. Secondlie, here is no Chriſtian can denie, but that ſince God hath ordained vs to a ſupernaturall end, to witt, the cleate viſion, and fruition of him ſelfe, (as all Scripture witneſſeth that he hath) all our goods alſo and

Chryſoſt. homil. 4. de verbis Iſaiæ. tom. 5.

ſtates are ordained to the ſame end, and are not well vſed, but rather abuſed, when they are vſed to ſerue our pleaſures contrarie to that end: whence followeth that all temporall thinges, ſince the former Inſtitution and ordination of God, are *Media*, meanes, in reſpect not only of our ſupernaturall end, but alſo of ſupernaturall meanes, as Sacraments, Grace, and ſupernaturall functions, which are more proportionate, and more neere meanes to that end; and conſequentlie temporall power, which ordaineth of theſe meanes, is ſubiect to ſpirituall power, which principally conſidereth the ſupernaturall meanes and end. For as the art of ryding is more noble, then the art of making bridles (as *Ariſtotle* to a like purpoſe reaſoneth) becauſe this is ordained to that: ſo the ſpirituall power which diſpoſeth of ſupernaturall thinges, is nobler then the Temporall, this being ordained to that, and the end being more noble then the meanes.

Ariſt. li. 1. Eth. c. 1.

6. *Thirdlie*, Philoſophers affirme that all habites and faculties are ſpecified and dignified by their actes, obiectes, and endes, and ſo Morall Philoſophie, which hath vertue and manners, the health of the ſoule, for its obiect, is more noble then the art of Phiſicke, which teacheth only to cure the diſeaſes of the bodie, and to reſtore corporall health. Seeing therefore that the obiects of ſpirituall power are ſupernaturall

and

and heauenlie, the obiects of Temporall power, are naturall and earthlie; the end alſo of ſpirituall power is eternall beatitude, the end of temporall power, temporall felicitie; the actes alſo and functions of that power, ſpirituall and ſupernaturall, the actes of this naturall and morall; It muſt needs followe, that the ſpirituall power excelleth the temporall, as much as the obiects, endes, and actes of that doe ſurpaſſe this.

7. *Fourthlie*, that power is greater, to which euen the Princes them ſelues are ſubiect, then that, to which the ſubiects and people onlie are ſubiect, not the Prince (for though the Prince be ſubiect to his owne lawes *quoad vim directiuam*, yet not *quoad vim coerciuam*) but the Prince is ſubiect to the ſpirituall power of the Church, as much as the loweſt and meaneſt of his ſubiects; *ergo* the ſpirituall power of the Church is more eminent then the Temporall power of the Prince or Common Wealth. The Maior propoſition is euident. The Minor I ſhall prooue in the next Chapter. wherfore the concluſion muſt needs followe.

8. Hitherto I haue prooued that the ſpirituall and Eccleſiaſticall power is more eminent and noble then the Temporall, and conſequentlie that the ſpirituall is higher in dignitie; but whether it can command, correct, curb, or reſtraine the temporall, I haue not as yet either prooued or

declared; for many things are more highe in dignitie then others, which yet haue no authoritie to command or punnish: As for example, the Proteſtants of this time will not lett to graunt that the Pope is the higheſt Patriarch in dignitie, yet they ſay he can not command out of his particular Dioceſe of Rome; and all Diuines graunt, that the power of the Church is more noble, then any power of Princes or Emperours, that being ſpirituall and ſupernaturall, this onely temporall, and yet they ſay that they that are not baptized, be they Princes or ſubiects, are not ſubiect vnto it, ſo as the Church can command or punnish them ſpirituallie; And the King of *France* is more eminent in dignitie, then any of the nobleſt ſubiects of *England* or *Spaine*, and yet hath no authoritie to command or punnish them for faultes committed out of his Realme. Wherfore it reſteth that I prooue that the Church by her ſpirituall and Eccleſiaſticall power can command all Chriſtians, euen Heretickes that are baptized. And this, beſides what hath been ſaied in the former Chapter to the proofe thereof, I ſhall briefely, yet cleerely, shew by theſe enſewing arguments.

9. For *firſt*, the Eccleſiaſticall ſuperiours are true Paſtours of the Church; *ergo* they can not only direct, but command, and correct, at leaſt by ſpirituall paines and chaſtiſements. The *Antecedent* I prooue

out

out of ſcripture. *Paſce oues meas*; *Feede my sheepe*, ſaied Chriſt to *S. Peter* and his ſucceſſours, and all Paſtours in their kinde. *Chriſt* (ſaieth *S. Paul*) *gaue to his Church, ſome Apoſtles, ſome Prophetes, and other ſome Enangeliſts, and other ſome Paſtours and Doctours*. And the ſame Apoſtle ſpeaking to Paſtours ſayth: *Attendite vobis &c. Attend to your ſelues, and your whole flocke*. To which purpoſe alſo *S. Peter* addeth ſaying; *Paſcite qui in nobis eſt gregem Dei. Feede the flocke of God which is in you*. The conſequence I prooue, becauſe to a Paſtour it belongeth not onlie to feede by Sacramentes, and the word of God, but alſo to rule, to gouerne, and correct, and conſequentlie the Paſtours of the Church can make lawes, which bynd all Chriſtians their ſubiectes in conſcience, and they can correct and punnish the delinquents, at leaſt by ſpirituall chaſtiſements of Excommunication, and other Cenſures.

Ioan. 21. *Ad Eph.* 4. *Act.* 20. 1. *Pet.* 5.

10. *Secondlie* Chriſt gaue power by his Apoſtles and ſucceſſours to bynde and looſe, which argueth Iurſdiction. *Mat.* 18.

11. *Thirdlie* the Apoſtles, and their ſucceſſours, haue vſed this Authoritie ouer Chriſtians: for they enacted lawes in their firſt Councell. Saint Paul excommunicated the incеſtuous Corinthian; They appointed Biſhops and Prieſts to gouerne particuler Churches; Saint Paule diſtinguisheth his owne power of making lawes from Chriſts: And hee ſaith. *Arma militiæ noſtræ non* *Act.* 15. 1. *Cor.* 5. *Tit.* 1. 1. *Cor.* 7. 2. *Cor.* 10.

carnalia sunt, sed potentia Deo ad destructionem munitionum &c. The *weapons of our Warfare are not carnal, but mightie to God vnto the destruction of munitions, destroying Counsels, and all loftinesse extolling it selfe against the Knowledge of God &c. and hauing in a readinesse to reuenge all disobedience, &c.*

12. *Fiftlie*, I proue it by a Theological Argument. By Baptisme Christians are made true members of the Mysticall bodie of Christs Church, no lesse then subiects are of the Kingdome or Politicall bodie, yea more, because they are incorporated to the Church by a reall, supernaturall, and indelible Caracter; But all members are so subiect to the head, that the head by Authoritie may command, correct, and punish them, if they transgresse; *ergo* the Pastours of the Church, and especiallie the chiefe Pastour hath Iurisdiction ouer all those that are baptized, be they true Christians, or Heretickes, or Apostataes. This I confirme by this congruence. Euerie one is bound to the lawes of the Realme, in which he was borne, by reason that his natiuitie in that place, maketh him a true member of that Kingdome, as our Soueraine Liege himselfe well obserueth: And seing that Baptisme is a regeneration and newe natiuitie, by which we are borne in the Church, (for euen the Children of Heretickes, though they be baptized by Heretickes, if they be trulie baptized, are borne

D. *Tho.* 3. *p q.* 63. *art.* 6 *q.* 68. *a.* 1. & *q.* 69. *a.* 4 & 5.

In præf. monitor. pag. 12.

borne in the Churche) it followeth that all that are baptized, are bound to obey the Church, and chiefe Paſtour of the Church, to obſerue her lawes, and may be punished by the Church, if they tranſgreſſe the ſame; elſe the Church, which is the moſt eminent ſtate and Common wealth, should be inferiour vnto the loweſt and meaneſt Politicall common wealth that is; for there is no lawfull common wealth, but it can make lawes, and punish the transgreſſours.

13. *Sixtlie*, the Church is an abſolute Common VVealth, and conſequentlie hath Authoritie to make lawes, to appoint ſpirituall Magiſtrates, to call Councels, and to decide controuerſies, to correct and punish Heretickes and Blaſphemers, and all ſinne, which are properlie oppoſite to her gouernment, and Eccleſiaſticall peace: but this ſuppoſeth a legislatiue an commanding, aud not only a directiue, but alſo a coerciue power; *ergo* the Church and eſpeciallie her chiefe Paſtour Chriſts Vicaire, hath ſuch Authoritie. This Argument I confirme thus: The Ciuill lawe telleth vs: *Cui iuriſdictio data eſt, ea quoque conceſſa eſſe videntur, ſine quibus iuriſdictio explicari non potuit*: *To whom iuriſdiction is graunted, thoſe things alſo ſeeme to be graunted, without which the iuriſdiction could not be explicated.* And againe: *Ex eo quod cauſa alicui committitur, ſuper omnibus, quæ ad cauſam ipſam ſpectare noſcuntur, plenariam recipit* *l. 2. ff. de Iuriſd. omnium Iud. cap. Praterea, de officio delegati.*

Poteſtatem: In that a cauſe is committed to any, he receiueth full power ouer all things which are known to pertaine to the cauſe: But the Paſtours of the Church, as is manifeſt out of the alleaged places of ſcripture, haue Authoritie to gouerne and rule the Church, and all the members and ſubiects thereof; *ergo* they haue authoritie to do all thoſe thinges, which are neceſſarily belonging therevnto; but they should not haue all power belonging therevnto, vnleſſe they haue a Power Legislatiue, and not onlie directiue, but alſo coerciue, at leaſt by ſpirituall paines ouer Chriſtians, and the lay power, and temporall Iuriſdictions; *ergo* their ſpirituall power is not onlie aboue the temporall in dignitie, but alſo in authoritie and power of commanding, elſe they had not ſufficient power to gouerne the Church, which is committed vnto them.

14. But becauſe this veritie will appeare more by that, which I shall alleage in the next Chapter, to prooue that the Paſtours of the Church haue ſpirituall authoritie ouer Kinges and Emperours; I will here make an end deſiring all wordlinges and Politikes, who ſo inculcate obedience to Princes and ſecular power, not to forgett their dutie and obedience to the Church, and her Paſtours. who haue Authoritie as well as Princes, and greater then theirs; and to thinke alſo with them ſelues, that *Mat.* 18. he that will not obey the Church, is to be held

held as an Ethnike and publican; and that, if he that ſtubbornlie refuſed to obey the Highe Prieſt in the olde lawe was to die for ſuch diſobedience, what punishment remaineth for them, who contemne Church and Pope, which yet are in dignitie and power as farre aboue the ſynagogue, and her Prieſts and Bishops, as the veritie ſurpaſſeth the figure, the bodie the shadow, the guift the promiſe, Chriſt Moyſes, Chriſtes preiſthood that of Aaron, Chriſtes ſacrifice and Sacramentes, thoſe of the Iewes and ſynagogue. *Deut.* 17

Chapter V.

Eccleſiaſticall *and* Temporall *peeres and princes are compared together, and out of the Compariſon is gathered, that not only priuate laymen, but euen temporall princes, though otherwiſe abſolute, are ſubiect to the paſtours of the Church, and eſpecially to the ſupreame viſible paſtour, as is prooued by many arguments.*

1. I intend not by this compariſon to detract the leaſt from Kings and Princes; for I acknowledge their Authoritie to be of God, them ſelues the Images and ſonnes of God, according to that. *Ego dixi Dij eſtis, & filij excelſi omnes:* I *ſaied: you are Godds, and the ſonnes of the higheſt all.* I will not let to giue *Naziãz. orat. 17. ad ciues timore perculſos. Pſal.* 81.

giue them, in a good ſence, thoſe high titles, with which the Romanes and Grecians ſtiled them, who called them *Filios Deorum, Deos terræ, Ioues mundi, The ſonnes of Goddes, Goddes of the earth, and Iupiters of the world*: for as God is the ſupreame Monarch of the world, ſo are they of their Kingdomes, in the gouernment wherof, they imitate the Monarchicall gouernment of the world. I graunt that a King in reſpect of the laitye, is as the eye and head in the bodie, as the ſunne amongſt the planets, as the Cedar amongſt Trees, as gould amongſt metalles, as fier amongſt the Elements, as the ſea amongſt waters. I will willinglie acknowledge him the ſecond perſon after God, and onlie leſſer then God in temporall Authoritie.

Tertul. l. aduerſus Scap. c. 2.

2. But yet it is not one of Kings leaſt honours to acknowledge thé ſelues ſonnes of the Church, as S. AMBROSE tould *Valentinian the Emperour*. And therfore as Prieſts are content to giue to the King and Prince that honour, which is due vnto them: ſo Princes muſt not diſdaine to giue to Prieſts their due reſpect and right. Princes, I graunt, are called *Gods* by participation, and the *anointed of God*: ſo are Prieſts, and in this kinde greater Gods then they, becauſe they approche nearer vnto the true God, and only God by eſſence, who therfore is called *Deus Deorum*, *God of Goddes*; and their conſecration and anoynting being a

Ambroſ. orat. in Auxentium.

Pſal. 49. & 135.

Sacra-

Sacrament, is farre holier then that of Kings; for which cauſe CONSTANTIN called the Biſhopes of NICE his *Gods*, and would not be Iudge of them, to whoſe iudgement he was to ſtand: and as Princes are Kinges, ſo are Prieſts, and by ſo much greater Kinges then they, by how much it is more to be a Kinge of ſoules, then bodies. wherfore the ſcriptures alleaged in the former Chapter, which giue to the ſpirituall power a ſuperioritie and authoritie ouer the temporall, do prooue alſo that Biſhops, and eſpeciallig the High and chiefe Paſtour, are euen Kings, Paſtours, and ſuperiours. For when Chriſt bad PETER feede his sheepe, he made him Paſtour ouer all Chriſtians; and ſo the King, if he wilbe a sheepe of Chriſt, muſt be a sheepe of PETER, and conſequentlie of the Pope his ſucceſſour, and muſt acknouwledge him his Paſtour. And When Chriſt ſaied: *Dic Eccleſiæ &c.* Tell the Church, *and if he will not beare the Church, let him be vnto thee is an Ethnick and Publican*, Did he exempt Princes from the Churches Tribunal? And when he ſaied: *What ſoeuer you ſhal binde vpon earth, ſhal be bound in heauen*, were Princes excepted? No, no. If Princes will be members of the Church, they muſt be ſubiect to the viſible Head therof: If they will be sheepe of Chriſt, they muſt acknowledge PETER, and the Pope his ſucceſſour, for their Paſtour.

Ruf. l. 1. Cap. 2.

Ioan. 21.

Mat. 18.

Mat. vlt.

3. Neither can their temporall ſoue-

raintie

giue them, in a good ſence, thoſe high titles, with which the Romanes and Grecians ſtiled them, who called them *Filios Deorum, Deos terræ, Ioues mundi, The ſonnes of Goddes, Goddes of the earth, and Iupiters of the world*: for as God is the ſupreame Monarch of the world, ſo are they of their Kingdomes, in the gouernment wherof, they imitate the Monarchicall gouernment of the world. I graunt that a King in reſpect of the laitye, is as the eye and head in the bodie, as the ſunne amongſt the planets, as the Cedar amongſt Trees, as gould amongſt metalles, as fier amongſt the Elements, as the ſea amongſt waters. I will willinglie acknowledge him the ſecond perſon after God, and onlie leſſer then God in temporall Authoritie.

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Ruf. l. 1. Cap. 2.

Ioan. 21.

Mat. 18.

Mat. vlt.

3. Neither can their temporall ſouereintie

raintie exempt them, for that only maketh them so absolute, that they are subiect to no temporall power, yet remaine they notwithstandinge subiect to the spirituall power of the Church, and as subiect, as the loweſt Christian; and haue no more commaund ouer the Church, then the meaneſt of the people. True it is, that they are defendours, (or ought so to be) and Protectours of the Church, Pastours and superiours they are not, but sheepe and inferiours; And therfore after that the Prophet Esaye had saied: *Erunt Reges nutritij tui* Esai. 49. *&c.* *Kinges shall be thy nourcing Fathers*; to shewe that this importeth no superioritie ouer the Church, he addeth: *VVith countenance cast downe toward the ground, they shall adore thee* (the Churche) *and they shall licke vp the dust of thy feete.*

4. And this I proue first by reason grounded in faith and Diuinitie. For the King by Baptisme is made as trulie a member of the Church, as the meaneſt Christian, and is incorporated as deepelie by the Caracter of Baptisme, as any, hee is regenerated and borne againe, as much as any, else he should not be so good a Christian as others; And seing that by this incorporation and natiuitie (as is before declared) the Pastours, especiallie the chief pastour, who is Head of this bodie, hath power ouer all Christians; it followeth that he hath also power ouer Kinges; and so as the

King

King can punnish rebelles & Malefactours & caſt them out of the Realme by banisheement, ſo may the Chiefe Paſtour punnish a rebellious King, eſpecially by ſpirituall cenſures, and may caſt him out of the Church by excommunication; elſe the Church were inferiour to all politicall bodies, yea to a naturall bodie, which hath authoritie for its owne preſeruation, to cutt of a rotten member, leaſt it infect the whole, and to expell by purgation a malignant humour. Neither is there any reaſon, why in this point we should put any difference betwixt the King, and another of his owne ſubiects; For althoughe he be ſuperiour in temporall matters to all his ſubiectes, and is to be obeyed of thē, yet is he ſubiect in ſpirituall matters to the Churches Paſtours, as much as his meaneſt ſubiect.

5. And ſo it is not in the free choiſe of a Chriſtian, though baptized amongſt Hereticks, when he comes to yeares of diſcreation (as ERASMVS, and LVDOVICVS VIVES do abſurdly holde) to obſerue, or not obſerue the Chriſtian law, becauſe he is bound to keepe the promiſe, which the Church, and his Godfathers made in his name, no leſſe then Pupills are bound to ſtand to that, which their Tutours haue done in their name, and for their profitt; and goe he where he will, be he of what religion he will, he carrieth an indelible Caracter imprinted by Baptiſme in hi ſoules

Eraſmus paraph. in Matt. Ludouic. Viues in com. l. 1. de ciu. Dei cap. 27.

ſoule; by which the Church hath authoritie ouer him, as ouer a member *de iure & debito*, and can commaund him to obſerue the Chriſtian law, as alſo punish him, if he diſobey, though he were an Emperour, at leaſt by ſpirituall punishment.

6. *Secondlie*, two Princes independent in one communitie, would make a confuſion, vnleſſe the one were ſubiect to the other, and to be directed by the other. Wherfore Ariſtotle (as aboue I haue alledged) ſaieth that *Pluralitas Principatuum nõ eſt bona*: *Pluralitie of Principalities is not good*: to witt, in one communitie, and vnleſſe one of them be ſubiect; for the one might hinder the other, the one might commaund one thinge, the other cleane contrarie, and ſo there would ariſe contention and confuſion; But the Church and common wealth of Chriſtians is one bodie and Communitie, at leaſt materially, if not formallie; *ergo* theſe two Princes, to wit, the ſpirituall and temporali, muſt haue ſome ſubordination: But there is no reaſon, that the Prince should direct, and correct the Paſtour, he being the greater Prince, & hauing an higher power, as it is aboue prooued; *ergo* ſeing that both Paſtour, and Prince are of God, and *what is of God is* rightlie *ordayned*, and with good order; it followeth that the Chiefe Paſtour muſt be ſuperiour, and muſt direct, and correct the Prince, as much as is neceſſarie to the Churches end and good.

Arist. l. 12. Met. cap. vlt.

Rom. 13.

7. *Thridlie*

7, *Thirdlie*, the chiefe Paſtour, and ſometimes alſo inferiour Paſtours, as Bishops, haue challenged to themſelues as due, Authoritie ouer Princes, and haue excommunicated and layed ſpirituail punishements vpon them; whome to condemne as vniuſt vſurpers (they being ſo manie, ſo wiſe, ſo vpright, and many of them holie Saints) were meere madneſſe; *ergo* the Prince is ſubiect in ſpirituall matters, yea and temporall matters alſo, when they are neceſſarie for the Churches good, and may be commaunded, and punished, at leaſt ſpiritually, if he refuſe to obey, he being in this caſe the Paſtours ſubiect, and inferiour.

8. So wee read that FABIAN Pope commaunded PHILIP the firſt Chriſtian Emperour to take his place amongſt the publick Penitentes: ſo INNOCENTIVS *the firſt* excommunicated *Arcadius* the Emperour and *Eudoxia* the Empreſſe, for perſecuting *S. Iohn Chryſoſtome*. The excommunication beginneth thus: *Vox ſanguinis fratris mei Iohannis clamat ad Deum contra te (ô Imperator) ſicuti quondam Abel Iuſti contra Cain, & is modis omnibus vindicabitur. The voice of the bloud of my brother Iohn (Chryſoſtome) cryeth to God againſt thee, as Abels bloud in tymes paſt did againſt Cain, and it by all meanes ſhalbe reuenged.* The ſentence followeth in theſe words: *Itaque ego minimus & peccator, cui Thronus Magni Apoſtoli Petri creditus eſt, ſegrego & reijcio te, & illam, à perceptione immaculatorum myſteriorum Chriſti Dei noſtri:* Therfore

Euſ. l. 6. hiſt. c. 25 alias 27. Nicephor l. 13 c. 34. Vide Baron. an. 407. Card. Alan. Auſu. 1. polibeller. Cap. 2.

Zonaras tom. 3. Annal.

Therfore I the least, and a ſinner, to whom the throne of Greate Peeter is committed, do ſegregate and reiect thee and her (Eudoxia) from participation of the immaculate myſteries of Chriſt our God. Of which Pope S. HIEROME giueth this commendation: *Illud te pio charitatis affectu præmonendum puto, vt* S. Innocentij, *qui Apoſtolicæ Cathedræ, & ſupradicti viri* (Anaſtaſij) *ſucceſſor, & filius eſt, teneas fidem, nec peregrinam, quantumuis tibi prudens callidaque videaris, doctrinam recipias. That I thought out of charitie to admonish thee, that thou holde the faith of S. Innocentius, who is the ſucceſſour and ſonne of the ſea Apoſtolicke, and of Anaſtaſius: neither do thou receaue any ſtrange doctrine, ſeeme thou to thy ſelfe neuer ſo wiſe and wittie.* GREGORIE *the ſecond* in a Councell at Rome Anno 726. excommunicated *Leo* the Emperour ſurnamed *Iſauricus* and *Iconomachus*, and tooke from him his Gabelles in Italie, and the Prouince it ſelfe. GREGORIE *the ſeuenth*, (commēded by all, but onlie Schiſmatikes & Heretickes, for a Saint (as he who wrought myracles as well liuing as dead) excōmunicated HENRIE *the fourth* Emperour of that name, for many enormities, threatening moreouer excommunication to all Princes, Kinges, & Emperours, that should vſurpe Inueſtitures, as the ſame Emperour had done. Alſo he interdicted the Kingdome of *Polonia*, and excommunicated the King BOLESLAVS for killinge *Staniſlaus* his Bishop at the Altar, becauſe like a good Paſtour he had be-

S. Hieron. epiſt. 8.

Vide Baron. an. 729.

Greg. l. 3. ep. 5. & 10. & l. 7. ep. 14.

Vide Baron. an. 1076.

fore

fore controlled his luſt, and excommunicated him. ALEXANDER *the third* excommunicated *Frederick the firſt*; and if *Henrie the ſecond* King of *England* had not ſubmitted himſelf, he had excommunicated him alſo, as he was ſollicited thereunto by *Lewis* the King of *France*. INNOCENTIVS *the third* excommunicated *Otho* the *fourth* Emperour of that name. GREGORIE *the ninth* againſt *Frederick the ſecond*, IOHN *the twentie two* againſt *Ludouicus Bauarus*, INNOCENT *the third* againſt King *Iohn of England*, VRBAN *the ſecond* againſt *Philip the firſt* of *France*, and other Popes againſt other Princes, haue vſed the like ſeueritie, euen to theſe our daies; and in all their Epiſtles to Kinges and Emperours they call them *Sonnes*, and ſpeake to them as to their sheepe and ſubiects.

Platina in vita Innoc. 3.

Cap. ad Apoſtolicæ doſet. & re Iudic. in 6.

Albert. Pighius l. de viſib. mon. cap. 17.

9. Yea not onlie Popes, but euen Bishops haue the like Authoritie ouer Kinges and Emperours: as the Archbishop of *Toledo* ouer the King of *Spaine*, The Archbishop of *Canterburie* ouer the King of *England*, The Archbishop of *Rhemes* ouer the King of *France*, and other Bishops ouer other Kinges. S. GREGORIE *Nazianzen* challenged authoritie ouer *Valentinian* the Emperour; for in an *Oration* which he made to his *Citizens ſtricken with Feare, and to the angrie Prince and Emperour*, conuerting his ſpeech to the Prefects, and euen to the Emperour himſelf, thus he ſpeaketh: *An me liberè loquentem æquo animo feretis? Nam vos quoque poteſtatis meæ, meiſque*

Mat. Pariſ. ann. 1204. Baron. an. 1101.

Gregor. Nazian. orat. 17. ad Pop. timore perculsũ, & prine. Iraſ. Vide cap. ſuſcipitiſne. diſt. 10.

meisque subsellijs lex Christi subijcit; Imperium enim ipsi quoque gerimus, addo, etiam præstantius ac perfectius, nisi verò æquum est spiritum carni fasces submittere, & cælestia terrenis cedere. Sed non dubito, quin hanc dicendi libertatem (ô Imperator) in optimam partem accepturus sis, vtpote sacri mei gregis ouis sacra, Magnique Pastoris Alumna, rectèque iam inde à primis annis à spiritu ducta & instituta, Sanctaq; & Beatæ Trinitatis lumine æquè ac nos ipsi illustrata: Will you take in good part that which I shall speake freely? For the law of Christ doth subiect you also vnto my power and Tribunals: for wee also beare rule, and haue an Empire, and that more eminent and perfect, vnlesse a man should thinke it fitt for the spirit to be subiect to the flesh, and that things celestiall should yeeld to things that be terrene. But I doubt not (ô Emperour) but that thou wilt take in good part this my freedome of speech, as being a holy sheepe of my holy flocke, brought vp vnder the Great Pastour, and so from tender yeares well guided and instructed by the spirit, and illuminated by the light of the Holy and blessed Trinitie, no lesse then wee our selues. S. AMBROSE excommunicated Theodosius for a slaughter committed, and a ciuill law enacted at Thessalonica, and would not admit him into the Church, till he had done pennance, and recalled the former law, *Ita demum* (sayeth Theodoret) *Diuus Ambrosius vinclis illum exoluit, & templum introire fidelissimus Imperator ausus, non stans, neque genibus flexis supplicabat Domino, sed pronus humi stratus*. So at length S. Ambrose absolued him from the bonds of his excommunication

Theodoret. lib. 5. hist. cap. 18.

tion, when as the moſt faithfull Emperour preſuming to enter into the Church, did not either ſtanding or kneeling make his praiers vnto our Lord, but lying proſtrate vpon the ground. And when the Emperour, after he had bene at the *Offertorie*, would haue ſtayed in the Chancell, *S. Ambroſe* ſent him worde by a Deacon, that that was the place onlie for Prieſtes and thoſe ofthe Clergie; which comaundement alſo the Emperour obeyed ſo willinglie, that when afterwards at *Conſtantinople* the Patriach *Nectarius* would haue had him ſtayed in the Chancell, he anſwered; *Vix cum gemitu didici diſcrimen inter Imperatorem & ſacerdotem; vix inueni Doctorem veritatis: I haue ſcarcely learned with ſorrow the difference betwixt the Emperour and the Prieſt; I haue ſcarcelie foũd a Doctour of the truth.*

9. *Fourthlie* I prooue this, not only by the factes of Popes, but alſo by their definitions, in which Popes are to be credited, though in their owne cauſe, becauſe moſt, if not all of them, were ſo learned, that they knew what belonged to their Authoritie, and ſo iuſt, and holy alſo, that they would not vſurpe what belonged not vnto them. ADRIAN Pope maketh this decree; *Generali decreto ſtatuimus vt execrandum Anathema, & vetuti prævaricator Catholicæ fidei ſemper apud Deum reus exiſtat, quicunque Regum vel Potentum deinceps Romanorum Pontificum decretorum cenſuram in quocunque crediderit vel permiſerit violandam. Wee ordaine by our Generall decree that he bee before God, as an Anatheme, and as a Preuaricatour, whaſoeuer* *Cap. vlt. Suorum capitulorum &c. generali 25. q. 1.*

ſoeuer of the Kinges or potentates ſhall thinke or permit to be violated in any thinge the cenſure of the Romane Biſhops, and decrees. GELASIVS Pope hauing tould *Anaſtaſius* how by two powers, Eccleſiaſticall and Temporall, the world is gouerned, and that the Prieſts burden is ſo much the greater, in that they are to anſwer for Kinges comportement in the diuine iudgement, he addeth: *Noſti itaque inter hæc ex illorum te pendere iudicio, non illos ad tuam redigi poſſe voluntatem.* *Thou knoweſt therfore that thou dependeſt of their Iudgement, and that they are not to be ſubiect to thy will.* And therfore (ſaieth he) many Popes haue excommunicated diuers Kinges and Emperours. Pope IOHN alſo ſayth. *Si imperator Catholicus eſt, (quod ſalua pace illius dixerimus) filius eſt, non Præſul Eccleſiæ.* *If the Emperour be a Catholike (by his good leaue be it ſpoken) he is a ſonne, not a Prelate of the Church.* And afterward he addeth: *Imperatores Chriſtiani ſubdere debent executiones ſuas Eccleſiaſticis Præſulibus, non præferre,* *Chriſtian Emperours muſt ſubmitte their executions vnto Eccleſiaſticall Prelates, and not preferre.* INNOCENTIVS the third ſaieth, That as God in the beginning of the world created two great lightes, the Sunne and Moone, and appointed that to rule the daie, this the night; ſo in the firmament of the Churche he hath placed two great lightes, to wit, Regall and Eccleſiaſticall power; that to rule the night of Temporall thinges, this the day of ſpirituall thinges. And this (ſayth he) is by ſo much greater then

Cap. duo ſunt diſt. 96.

Cap. ſi Imperator diſt. 96.

Cap. ſolita de maior. & obed.

then that, by how much the Sũne ſurpaſſeth the Moone. And againe In the ſame place he ſaith, That CHRIST excepted no Chriſtians, when he commanded PETER, and in him his ſucceſſours, to feed his sheepe, *vt alienum à ſuo demonſtraret ouili, qui Petrum & ſucceſſores eius, Magiſtros non recognoſceret, & Paſtores*: To shew that he is an alien from his flocke, who doth not acknowledge PETER and his ſucceſſoures to bee his Maſters and Paſtours.

10. Fifthlie, I proue it by the Authoritie of Fathers and Bishops, that were no Popes, yet great Saintes. S. AMBROSE ſpeaketh in this point plainlie: *Soluimus quæ ſunt Cæſaris Cæſari, & quæ ſunt Dei Deo; Tributum Cæſaris eſt, non negatur: Eccleſia Dei eſt, Cæſari vtique non debet addici; quia ius Cæſaris eſſe non poteſt Dei templum. Quod cum honorificentia Imperatoris nemo dictum poteſt negare. Quid enim honorificentius quàm vt Imperator filius Eccleſiæ eſſe dicatur?* We haue payed to Cæſar what thinges belong to Cæſar, and to God what is appertaining to God. Tribute belongeth to Cæſar, and is not denyed him: The Church is Gods, and therfore is not to be giuen to Cæſar: becauſe the Church of God can not be Cæſars right: Which no man can denie, but that it is ſpoken with the Emperours honour: for what more honourable then that the Emperour should be called the ſonne of the Church? And then ſay I, if he be a ſonne, he is a ſubiect, no leſſe then the ſonne to the father. The ſame Doctour in a booke wrote of Prieſtlie Dignitie, ſayth yet more: *Honor & ſubli-*

Ambr. orat. in Auxent. qua extat. lib. 5. epiſt. eius poſt epiſt. 32.

Lib. de dignit. sacerd. cap. 2.

sublimitas Episcopalis (sayeth he) nullis poterit comparationibus adæquari. Si Regum fulgori compares, & Principum Diademati, longè erit inferius, quàm si plumbi metallum ad auri fulgorem compares: quippe cum videas Regum colla, & Principum, submitti genibus sacerdotum, & exosculatis eorum dexteris orationibus eorum credant se communiri. The honour, dignitie, and Highnes of a Bishop cannot be equalized by any comparisons. If thou compare it to Kinglie lustre, and the diademe of Princes, thou shalt say lesse then if thou shouldst cõpare lead to the glittering gould: for as much as thou seest Kinges and Princes necks submitted to the knees of Priests, and thẽ selues kissing their right handes to be waranted by their prayers. S. CHYSOSTOME: Regi corpora commissa sunt, sacerdoti anima. Rex maculas corporum remittit, sacerdos autem maculas peccatorum. Ille cogit, hic exhortatur. Ille necessitate, hic consilio. Ille habet arma sensibilia, hic arma spiritualia. Ille bellum gerit cum Barbaris, mihi (sacerdoti) bellum est aduersus Dæmones. Maior hic Principatus, propterea Rex caput submittit manui sacerdotis: & vbique in veteri scriptura sacerdotes inungebant Reges. To the King bodies are committed, to the Priest soules. The King forgiueth the punishments of the bodie, the Priest the blottes and blemishes of sinnes. He compelleth, the Priest exhorteth; he by necessitie, this by counsell; he hath sensible weapons, this spirituall; he makes warre against the Barbares, I (the Priest) am to wage battaile against the deuils. Greater is the Principalitie, and therfore the King inclineth his head to the hand of the Priest: and euerie where in the old Testament, Priests did annoint Kinges. And againe:

Hom. 4. de verbis Isaiæ.

Siquidem

Siquidē ſacerdotiū Principatus eſt, ipſo etiā regno venerabilius ac maius &c. Because Prieſthoode is a Principalitie, and that greater and more venerable then the Kingdome. Speake not to mee of the purple and diademe, and goulden robes; theſe all be but shadowes, and more vaine then ſpringe flowers. Speake not to mee of theſe thinges, but if thou wilt ſee the difference betwixt a King and a Prieſt, way the power giuen to them both, and thou shalt ſee the Prieſt ſitting much higher in dignitie then the Kinge. For although the Throne of a Kinge ſeeme to vs admirable, for the pretious ſtones, wherewith it is couered, yet he hath allotted him onely the adminiſtration of earthlie thinges. But to the Prieſt a throne is placed in heauen, and he hath authoritie to pronounce ſentence in heauenlie buſineſſes. Who ſayth ſo? The King of the heauens him ſelfe: What ſoeuer you shall bynde vppon earth, shall be bound alſo in heauen; and whatſoeuer you shall looſe vppon earth, shalbe looſed alſo in heauen. What can be compared with this honour? from earth heauen taketh the principall power of iudging. For the iudge ſitteth on earth, our Lord followeth his ſeruaunt; and whatſoeuer he shall iudge heere below, that he approueth aboue. And a little after: *Eoque Deus ipſum regale caput ſacerdotis manibus ſubiecit, nos erudiens, quod hic Princeps eſt illo maior. Siquidem id quod minus eſt, benedictionem accipit ab eo, quod præſtantius eſt.* And ſo much God hath ſubmitted the Kinges head to the handes of the Prieſt, teaching vs that this Prince is greater then he; for he that is leſſe, receaueth benediction from him that is greater. Yea S. CHYSOSTOME giueth not only Bi-

Hom. 5. de verbis Iſaiæ.

Mat. 18.

Hom. 33. in Matth. & hom. 83. in eund.

shops, but also euen Deacons, Authoritie ouer Kings: *Si dux igitur quispiam* (saieth he) *si Consul ipse, si qui diademate ornatur, indignè adeat, cohibe ac coërce; maiorem tu illo potestatem habes.* *If therfore any Capitaine or Consul, if he that is adorned with a diademe, approach vnworthilie, keepe him backe and restrayne him; thou hast greater power then he.* And to this purpose we read that S. Re. MIGIVS the Apostle of *France*, a little before his death, commanded the Bishops to excommunicate the Kinges of *France*, if they should waste or inuade the Churches. But aboue all most forcible is the testimonie of S. IGNATIVS an Apostles scholler, who so extolleth Princelie dignitie, that yet he giues the precedence vnto the Bishops authoritie. *Honora Deum* (sayth he) *vt omnium autherem & Dominum &c. Honour God as the Authour and Lord of all, and the Bishop as the Prince of Priests bearing the Image of God, and houlding his princedome of him, and his Priesthood of Christ. And after him you must honour also the King. For none is to be prefered before God, nor equal to him; nor none more honourable in the Church then the Bishop, exercising the Priesthood of God for the saluation of the world. Neither is any equall to the King, in the Hoste or Campe, procuring peace and beneuolence to the other Princes vnder him. For he that honoureth the Bishop, shalbe honoured of God, and he that dishonoureth him, shall of God be dishonoured. For if any man rising against the King is worthie of damnation, how shall he escape Gods Iudgements that attempteth any thing against, or without the Bishop? For Priesthood is*

Histoire de l'Eglise de Reins lib. 1. cap. 13.

Ignat. Epist. ad Smyrn.

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the Chiefe and ſumme of all mans good; which who ſoeuer diſgraceth, dishonoureth God, and our Lord IESVS *Chriſt the Chiefe Prieſt of God.*

11. *Sixtlie*, this I proue by Emperours and Kings proper confeſſion, who all of them haue acknowledged Bishops, and eſpeciallie the Chiefe Bishop of *Rome*, their Fathers, Paſtours, and ſuperiours, and thoſe, that haue ſupreame authoritie ouer them. CONSTANTINE *the Great* in an edict of his shortely after his baptiſme, ſaieth thus: *Vtile iudicauimus &c, vt ſicut in terris Beatum Petrum Vicarium filij Dei videtur eſſe conſtitutum, ita etiam & Pontifices, qui ipſius Principis Apoſtolorum vices gerunt, Principatus poteſtatem, amplius quàm terrena Imperialis Noſtra Serenitatis manſuetudo habere videtur, conceſſam à nobis, noſtroque Imperio obtineant.* Wee haue Iudged it profitable, that as bleſſed Peeter *is appointed the vicaire of the ſonne of God in earth, ſo alſo Bishops, who are Vicegerents of this Prince of the Apoſtles, should haue more amplie the power of principalitie graunted by vs and our Empire, then our terrene Imperiall Serenitie ſeemeth to haue.* And *Ruſſinus* relateth how that, when certaine Bishops aſſembled at the Councell of NICE offred him Memorialles, in which were complaints and accuſations of one another, he ſayd to them: *Deus vos conſtituit ſacerdotes, & poteſtatem vobis dedit de nobis quoque iudicandi, & ideo nos à vobis recte iudicamur. Vos autem non poteſtis ab hominibus iudicari; propter quod Dei ſolius inter vos expectate iudicium, & veſtra iurgia, quacumque ſunt, ad illud diuinum re-*

Cap. Conſtantinus 2. diſt. 96.

Ruſſin. lib. 1. cap. 2.

ſeruentur

ſeruentur examen. Vos etenim nobis à Deo dati eſtis
Pſal. 81. Dij, & conueniens non eſt vt homo iudicet Deos, ſed ille ſolus, de quo ſcriptum eſt: Deus ſtetit in Synagoga Deorum, in medio autem Deos Diiudicat. God hath conſtituted you Prieſts, and hath giuen you power to iudge euē of vs, & therfore wee are rightlie iudged of you: But you can not be iudged of men: for which cauſe do you expect onlie Gods iudgment betwixt you: and your differences, what ſoeuer they bee, let them be reſerued to the diuine examination. For you are giuen of God to vs as our Goddes, & it is not conuenient that a man ſhould iudge Goddes, but he onlie, of whom it is
Pſal. 81. written: God ſtood in the Aſſemblie of Goddes, and in the middeſt he Iudgeth Goddes. IVSTINIAN the
Authent. Quomodo oportet Epiſcopum, &c. Emperour in his ſixt Conſtitution confeſſeth the ſame, ſaying: The greateſt guifts of God among men is the Prieſthood, and the Empire, of which two, the former hauing the adminiſtration of diuine thinges, the other of humane, both proceeding of one beginning, do adorne mans life &c. CHARLES
Cap. In memoriam, diſt. 19. the great vſeth this manner of ſtile. In memoriam Beati Petri Apoſtoli honoremus Sanctam Romanam & Apoſtolicam Sedem, vt quæ nobis Sacerdotalis eſt mater dignitatis, eſſe debeat Eccleſiaſtica Magiſtra rationis: Quare ſeruanda eſt cum manſuetudine humilitas, vt licet vix ferendum ab illâ ſede imponatur iugum, tamen feramus, & piâ deuotione toleremus. In memorie of Bleſſed Peter the Apoſtle let vs honour the holie Roman and Apoſtolicall Seate, that she which is to vs the mother of Priſtlie dignitie, should be the miſtreſſe of Eccleſiaſticall diſcipline and affaires. VVherfore humilitie is to be kept with Manſuetude; that although a yoke
Vide Baron. tom. 9. an. 801.

ſcarcelie

ſcarcelie tollerable should be impoſed vpon vs from that Seate, yet let vs beare it, and let vs ſuffer it with a pious deuotion. And in his Epiſtle to Pope ADRIAN thus he writeth. *Sanctiſsimo Patri Adriano ſummo & Vniuerſali Pontifici, Carolus Dei gratia Rex, & ſpiritualis filius veſter.* To our moſt holie Father Adrian the Chiefeſt and Vniuerſall Bishop, Charles by the Grace of God King, and your ſpirituall ſonne. King Lewis in an Epiſtle to PIVS the ſecond ſtiles him in this manner: *Beatiſsimo Patri noſtro Pio Papæ ſecundo Obedientiam filialem.* To our moſt Bleſſed Father Pope Pius the ſecond, filial Obedience. And afterwards thus he writeth: *Te Vicarium Dei viuentis eâ veneratione proſequimur, vt ſacra tua monita, præſertim in Eccleſiaſticis rebus, velut vocem Paſtoris audire promptâ mente velimus. Te Dominici Gregis Paſtorem profitemur, & ſcimus, teque iubentem ſequimur.* VVee beare thee the Vicaire of the liuing God ſuch reſpect and reuerence, that we will heare with a prompte mynde thy ſacred admonitions, eſpeciallie in Eccleſiaſticall matters, as the voice of our Paſtour. VVee profeſſe and know thee to be the Paſtour of our Lords flocke, and wee follow thy commandement. King LEWIS the *Saint*, and ninth of that name, gaue this commandement to his ſonne PHILIP: *Sis deuotus & obediens Matri Romanæ Eccleſiæ, eiuſque Pontifici, tanquam Patri ſpirituali, te morigerum præbeas.* Bee thou deuoted, and obedient to thy mother the Romain Church; and be thou obedient to her Bishop, as to thy ſpirituall father.

Ludou. Rex. in epiſt. ad Pium 2.

Nangius de geſtis S. Lud. & Sur. in vita eiuſdem Aug. 25.

12. The Kinges of SPAINE, as being ſurnamed

named CATHOLICK, yeeld not in this point to the most Christiã Kings of *France*. FERDINAND professeth him self *Filium Sanctæ Romanæ Ecclesiæ Matris nostræ deditissimum*: *The most deuoute sonne of the holy Roman Church our mother*: and withall *pro eius honore atque statu animam ponere paratissimum*: *To be most readie to expose his life for her honour and state*. King ALPHONSE in his lawes calleth the Pope *Patrum Patrem*, *Father of Fathers*, and saieth that *therfore all Christians*, *when they haue accesse vnto him*, *do kisse his feete*. CHARLES *the fifte* in his Edict made at *Wormes*, in which he condemneth Luther aud his booke, calleth LEO *the Tenth Beatissimum Patrem*, *Most blessed Father*, and stiles him self *Sedis Apostolicæ Sanctæque Romanæ Ecclesiæ primarium filium & Aduocatum*. *First Sonne and Aduocat of the Sea Apostolick and the hodie Romain Church*.

Vide Cic. Later. sub Leone X. sess. 2.

Rex Alphons. in suis Legibus, Part. 1. tit. 5. l. 1. 2. 3. 4. & 5. Carol. 5. in Edict. wormat.

13. Neither are our Kinges of England behind them in this deuotion. King LVCIVS the first Christian King of the Brittaines, although he might haue found some preachers, which were the remnant of those that were conuerted by *Ioseph* of *Arimathia* and as many thinke by S. *Peter* him selfe, or at least might haue found nearer helpe out of *France* yet to shew his reuerend conceit of the Sea Apostolike, sent Embassadours to Pope ELEVTHERIVS *obsecrans vt per eius mandatum Christianus fieret*. *Beseeching that by his commandement he might be made a Christian*. INAS King of the West-English,

Beda lib. 1 hist. Angl. ca. 4.

English, in ſigne of Homage to the Chiefe Paſtour; made his Kingdome tributarie to the Pope of *Rome*, and ſet a taxe vpon euerie houſe called *Peeter-pence*. S. EDWARD King and Confeſſour giueth this title to Pope NICHOLAS *the ſecond*: *Summo vniuerſalis Eccleſiæ Patri Nicholao, Edwardus Gratia Dei Anglorum Rex debitam ſubiectionem & obedientiam.* *To the chiefeſt Father of the vniuerſall Church Nicholas, Edward by the Grace of God King of the Engliſh, offereth due ſubiection and obedience.* And in the ſame Epiſtle he writeth how he ſendeth *Peter-pence* vnto him, with other Royall giftes. King OSWIN long before, when there was a controuerſie about the time of obſeruation of EASTER, and COLMAN Biſhop had ſaied, that he receaued his manner of celebrating EASTER from S. *Iohn* the Euangeliſte, and WILFRID ſaied that he had his manner from Rome, and Saincte *Peter*, to whom it was ſayd: *Tu es Petrus &c. & tibi dabo claues regni Cælorum*; *Thou art Peter &c. and to thee will I giue the keyes of heauen*; The King hauing heard bothe, ſpoke in this manner: *If it was ſaied to Peter, I will giue thee the keyes of heauen: I ſay vnto you then, that this is the Porter, whom I will not contradict, but as much as I know or can, I deſire to obey in all thinges his ſtatutes, leaſt when I come to heauen gates, there be none to open them to mee.* This ſayd that Religious King, and this was his reſpect to the Sea Apoſtolick. KENVLPHVS King of the *Mercians*, writing in his owne, and

Weſtm. an. 727. Polid. Virg. lib. 4. hiſt. Angl. Alredus in vita S. Eduardi. Polid. lib. 6. hiſt. Angl.

Beda lib. 3. cap. 25.

Mat. 16.

Epiſt. ad Ioan. III.

named CATHOLICK, yeeld not in this point to the moſt Chriſtiã Kings of *France*. FERDINAND profeſſeth him ſelf *Filium Sanctæ Romanæ Eccleſiæ Matris noſtræ deditiſſimum*: *The moſt deuoute ſonne of the holy Roman Church our mother*: and withall *pro eius honore atque ſtatu animam ponere paratiſſimum*: *To be moſt readie to expoſe his liſe for her honour and ſtate*. King ALPHONSE in his lawes calleth the Pope *Patrum Patrem*, *Father of Fathers*, and ſaieth that *therfore all Chriſtians, when they haue acceſſe vnto him, do kiſſe his feete*. CHARLES *the fifte* in his Edict made at *Wormes*, in which he condemneth Luther aud his booke, calleth LEO *the Tenth Beatiſſimum Patrem*, *Moſt bleſſed Father*, and ſtiles him ſelf *Sedis Apoſtolicæ Sanctæque Romanæ Eccleſiæ primarium filium & Aduocatum*. *Firſt Sonne and Aduocat of the Sea Apoſtolick and the hodie Romain Church*.

Vide Cic. Later. ſub Leone X. ſeſſ. 2.

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Beda lib. 1 hiſt. Angl. ca. 4.

English,

English, in ſigne of Homage to the Chiefe Paſtour, made his Kingdome tributarie to the Pope of *Rome*, and ſet a taxe vpon euerie houſe called *Peeter-pence*. S. EDWARD King and Confeſſour giueth this title to Pope NICHOLAS *the ſecond*: *Summo vniuerſalis Eccleſiæ Patri Nicholao, Edwardus Gratia Dei Anglorum Rex debitam ſubiectionem & obedientiam. To the chiefeſt Father of the vniuerſall Church Nicholas, Edward by the Grace of God King of the Englisb, offereth due ſubiection and obedience.* And in the ſame Epiſtle he writeth how he ſendeth *Peter-pence* vnto him, with other Royall giftes. King OSWIN long before, when there was a controuerſie about the time of obſeruation of EASTER, and COLMAN Bishop had ſaied, that he receaued his manner of celebrating EASTER from S. *Iohn* the Euangeliſte, and WILFRID ſaied that he had his manner from Rome, and Sainct *Peter*, to whom it was ſayd: *Tu es Petrus &c. & tibi dabo claues regni Cælorum; Thou art Peter &c. and to thee will I giue the keyes of heauen*; The King hauing heard bothe, ſpoke in this manner: *If it was ſaied to Peter, I will giue thee the keyes of heauen: I ſay vnto you then, that this is the Porter, whom I will not contradict, but as much as I know or can, I deſire to obey in all thinges his ſtatutes, leaſt when I come to heauen gates, there be none to open them to mee.* This ſayd that Religious King, and this was his reſpect to the Sea Apoſtolick. KENVLPHVS King of the *Mercians*, writing in his owne, and

Weſtm. an. 727. Polid. Virg. lib. 4. hiſt. Angl. Alredus in vita S. Eduardi. Polid. lib. 6. hiſt. Angl.

Beda lib. 3. cap. 25.

Mat. 16.

Epiſt. ad Ioan. III.

Vide Malmes. lib 1. de geſt. Reg. Angl.

and all his Bishops, and Nobilities name, beginneth his letter in this humble manner: *To my moſt holie and welbeloued Lord*, LEO, *the Romane Bishop of the holy and Apoſtolike Sea, Kenulph by the Grace of God King of Merchland with the Bishops, Dukes, and all degrees of honour with in our Dominions, with health of moſt ſincere affection in Chriſt*; and afterwards he ſaieth: *The ſublimitie of the Sea of Rome is our health, and the proſperitie therof our continuall ioy: Becauſe whence you haue your Apoſtolicall dignitie, thence had wee the knowledge of the true faith. VVherfore I thinke it fit that the eare of our obedience be humblie inclined vnto your commandements.* And then demanding the Popes benediction for the better gouernment of his people, and reſiſtance of forraine foes, he addeth: *This bleſsing haue all the Kinges, who ſwayed the Mercian Scepter, deſerued to obtaine at your Predeceſſours hands. This ſame do I in humble manner requeſt, and deſire to obtaine of you (moſt holy Father) firſt by way of adoption to receaue me as a child, as I loue you in the perſon of a Father, and ſhall imbrace you with the whole force of obedience.*

Malmes. lib. 3. de geſtis Pont in VVilfrido.

And afterwardes he makes mention of a token of an hundred and twentie Mancuzes, which he requeſteth him to accept.

Malmes. lib. 1. de geſt. Pōt. Angl. Weſtm. an. 854. Bale Cent. 2. cap. 20.

King ETHELDRED receiued the letters of Pope IOHN *the ſeuenth* vpon his Knees. King ETHELWOLPH ſued to the Pope for a diſpenſation: ſent his ſonne *Alfred* to the Pope to be inſtructed, and ſent *Peter-pence*, and made all *England* tributarie to the Romane

Sea,

Sea. King ALFRED ſurnamed the Great, of whoſe valour, learning, and Pietie, our Chroniclers write wonders, in his *Preface* before the *Paſtorall of S. Gregorie*, which he tranſlated into the Saxon language, calleth him *Chriſts Vicaire*. King WILLIAM *the Conquerour* offred to trie his Title with *Harold* before the Pope, and after got his Title approoued at *Rome*. He wrote an Epiſtle to GREGORIE *the ſeuenth*, in which he confirmeth the Tribute of *Peter pence*, which the Kings of *England*, euen from King INAS, paied to the Pope, as *Polidore Virgil* writeth, in ſigne of reuerence and ſubiection to the Romane Sea. King HENRIE *the firſt*, ſurnamed *Beauclerc* for his knowledg in the ſeuen liberall Sciences, built a Church at *Dunſtable*, and by the Authoritie of Pope EVGENIVS *the third*, (as *Cambden* confeſſeth) placed there Canon Regulars; he yeelded the inueſtiture of Bishops, and intertayned moſt honourably Pope INNOCENT *the ſecond*, and cauſed him to be admitted through out all *France*. He wrote a letter to Pope PASCHAL, which *Fox* ſetteth downe, and giueth him this Title. *To the venerable Father* PASCHAL *chiefe Bishop*; and at the ſame time (as the ſame *Fox* relateth) he wrote another letter to the ſaid Pope demanding the Pall for *Gerard* Arch-Bishop of *Yorke*. King HENRIE *the ſecond*, though for a time he contended with Pope ALEXANDER *the Third*, yet after the death

Malmes. lib. 3. de geſt. Reg. Angl. Fox. Act. & Mon. pag 166. & 167. Stow. an. 1066.

Lib. 5. hiſt. Ang. Cambd. in Britã. pag. 350. Malmes. lib. 3. de geſt. Reg. & lib. 1. hiſt. nouel. Florent. Vigor. in Chron. an. 1107 Matth. Paris. pag 96. Houed. an. 1131. Fox. pag. 192. Fox. pag. 193. Houed. pa. 502.

Fox. pag. 227. *Coop. an.* 1072. death of S. THOMAS *of Canterburie*, he permitted Appeales to the Pope, and submitted him selfe and his Kingdome vnto his pleasure.

Bal. cent. 3. *cap.* 4. King RICHARD surnamed *Coeur de Lion*, sonne to HENRIE *the second*, wrote a letter to Pope CLEMENT *the second*, with this Title: *To his most Reuerend Lord and Blessed Father by the grace of God* CLEMENT *chiefe Bishop of the holy Apostolick Sea.* and a little after: *The factes of Princes* (saith he) *haue better successe, when they receaue assistance and fauour from the Sea Apostolick.*

Houed. pag. 706. And so whē this King went to the holie Land, he left the care and gouernement of his Kingdome vnto the Sea Apostolick.

Matth. Paris. & Houed. an. 1190. King HENRIE *the third*, when the Pope sent a Legate into England (as *Matthew Paris* relateth) met the Legate at the Sea coast, and bowing his head to his knees, conducted him: and after writing a letter to Pope

Matth. Paris pag 589.

Fox. act. pag. 287. INNOCENT, he calleth him *most holy Father, and Lord, and Chiefe Bishop*, and offreth *Kisses to his blessed feete*. King EDWARD *the third* writing a letter to the Pope, which *Walsingham* setteth downe, saieth, *That it is heresie to denie the Popes iudgement præsidere omni humanæ creaturæ, to preside ouer all humane creatures*. The same King writing to Pope CLEMENT vseth this submission. *To his most holy Lord Clement by the diuine prouidence Chiefe Bishop of the sacred Romane and vniuersall Church, Edward by the Grace of God King of France, and England, and Lord of Ireland, deuout kisses of your blessed feet.* And the same King, and all his Nobles anno 1343.

walsing. pag. 150.

assem-

assembled in the Parlament at *VVestminster*, in a letter written to the Pope, which setteth downe, calleth him *Head of the Holie Church*. King HENRIE *the fift*, that warlike and victorious Prince, sent his Embassadours to the *Councell of Constance* called for the condemnation of *VVickleph*, and there demanded and obtained that *England* might be called a Nation, and one of the fower Nations, that owe deuotion to the Church of *Rome*. King HENRIE *the seuenth* anno 1506. sent three solemne Oratours to Pope IVLIVS *the second*, to yeeld his obedience according to the manner vnto the Sea of Rome. Yea King HENRIE *the eight* in the yeare 1521. dedicated his boke against *Luther* to Pope LEO *the tenth*, which booke I haue seene signed with the Kings owne hand in an English Caracter, for which the Pope gaue him, and his successours, the Title of *Defendour of the faith*. That he acknowledged the Pope his Pastour, appeareth by this, that at first he made sute to him for a separation from Queene CATHERINE, but when he perceaued he could not obtaine his sute, then, and vpon that occasion onlie, he exiled the Popes Authoritie, and made him selfe *Head*, and the first Head of the Church of England, as may appeare by that, which I haue saied of the knowen respect the Kings of England euer before bare to the Pope, and the Apostolicall Sea.

Fox Act. pa. 383.

Stowe an. 1416

Fox Acts pa. 799. Georg. Lilius in Chron. an. 1506.

14. *Seuenthlie*, I prooue this by the ancient

Ceremonies of kissing the Popes feete, and other Homage, which no good Christian, though a King or Emperour, hath euer disdained, fulfilling therein the prophecie of Esay: *Quam speciosi pedes Euangelizantis pacem?* *How beautifull are the feet of him that Euangelizeth and preacheth peace?* And following therin the example of the three Kinges, who adored Christ; and of the prime Christians, who brought the price of their Lands to the feet of the Apostles: and of *Cornelius*, that fell at *Peeters* feet. CONSTANTINE *the Great*, Greater for his humilitie, then for the greatnes of his victories and Emperie, honoured the Pope as his Pastour, and superiour, and bestowed great temporall honour and Regalities vpon him. IVSTINIAN *the Great* in the yeare 535. adored AGAPETVS Pope. IVSTINIAN *the second* crouching to Pope CONSTANTINES *the first* feete, embraced him. King PIPIN going to meete Pope STEEVEN, who was going to him into *France* for helpe, kissed his feet, and ledd his horse by the bridle into the Court and pallace. CHARLES *the Great* would not be hindred by Pope ADRIAN *the first* from kissing his feet, as *Platina* writeth. LEWIS King of *France*, and HENRIE *the second* King of *England* kissed humblie the feet of INNOCENT *the second*. SIGISMVND the Emperour in the *Councell of Constance* worshipped Pope MARTIN, prostrate vpon the ground. ALBERT Emperour of the West, and IOANNES PALEOLOCVS

Esay. 52.
Matt. 2.
Act. 4. & 5.
Act. 10.
Photius in Nomocon. Cap. Constantinus. dist 96.
Naucler. lib. 2. *gener.* 18.
Blond. li. 10. *Mart. Polonus & Platina in Steph.* 2.
S. Ansel. Luc li. 1. *Collecta.*
Plat. in Adria. 1.
Baro. to. 12. *anno* 1130.
Platina in Eugenio IV.

LEOLOGVS Emperour of the East, vsed the same submission to EVGENIVS *the fourth* in the *Councell of Florence*.

15. By this which hath bene said, who is of so little insight, that seeth not, how Princes are, and ought to be subiect vnto the chiefe Bishop, and highest visible Pastour of the Church, which if Princes also could see (as their conceipt of their owne Authoritie many times hindreth them from seeing) they would not encroach vpon the Church as they doe; they would not contemne her lawes, but honour them as Oracles; they would not despise the Churches Pastours, but would as the auncient Christian Princes were wont to do, honour them aboue all terrene Potentates.

16. And would to God our noble soueraigne King IAMES had bene trained vp in the schoole of Christs Catholike Church, in which our ancient Kings his Predecessours learned their dutie towards the Pope; that rare and deepe iudgement of his would neuer haue permitted him to thinke a Temporall King *as great as the Pope*, to whom his Predecessours subiected their persons, Kingdomes, Crowns, and Scepters, it would neuer haue sunke into his learned head, that the Pope should be *Antichrist*, and consequentlie all his Predecessours the Kings of England, yea of Christendome, so wise, so pious, so warlike, so victorious, worshippers and fauourers of *Antichrist*: he would neuer

In præf. monitor. pag. 5.

In præf. monitor.

uer haue incited the Emperour and Christian Princes, to curbe him, restraine him, and to diminish that his Authoritie, which not they, but Christ gaue him, by which he hath put the crowne vpon many an Emperour and Kings head, by which all Christian Kinges, and their Kingdomes haue bene maintayned in Religion, wealth and prosperitie: against which Authoritie, no temporall states haue long preuailed, but like waues against the Rocke, by persecuting it, haue wasted and ruined them selues: which Authoritie was not giuen him, *ex prima intentione*, to take away temporall Kingdomes from any, (vnlesse by euill comportement they make them selues vnworthie of all rule and humane societie) but rather to conserue them, and to adde vnto them a new Crowne and Kingdome of Heauen, for, *non eripit mortalia qui regna dat Cœlestia*, *he that giueth to man heauenlie thinges, goeth not about to take away from him those that be earthlie.* Imploie then (ô noble soueraine) your rare witt, power and force to defend and protect this Authoritie, not to impugne it, shew your self worthie that Title of a *Defendour of the faith*, which was giuen to your Predecessours by the Sea Apostolick, not for impugning, but for defending her faith and Authoritie. Seeke not to sacke and rase that Citie, which is built vpon a Rocke; Thinke not to preuaile against that Church, against which all the persecutions,

schismes, and heresies, that haue beene raised against her, no, nor the forces or gates of Hell, could hetherto, or shall euer here after preuaile. Seeke not to sinke the shippe, which PETER ruleth, and at whose sterne CHRIST him selfe sitteth: It may be by Gods permission, tossed with windes, waues, and Tempests, but it can neuer be drowned; for as Pope GREGORIE *the ninthe* once tould an Emperour that thought by humane force and policie to sincke her:

Cuspinianus in Frederico.

Niteris incassum nauem submergere PETRI:
Fluctuat; at nunquam mergitur illa ratis
Thou striu'st in vaine S. PEETERS *ship to sinke:*
Floate may it well; to drown it, neuer thinke.

CHAPTER VI.

That Princes, Kings, yea Emperours haue no authority to gouerne the Church, or to make Ecclesiasticall lawes, neither to be accounted heads or Superiours, but subiects of the Church, though protectours and defendours; and therefore are modestly admonished of their duty and office.

1. ALmightie God, as he hath instituted two powers, terrene, and spirituall, Ciuill and Ecclesiasticall, and hath distinguished them in Natures, obiects, functions, & ends,

ends, so to auoid confusion, he hath placed them in diuers subiects. The terrene power he hath giuen to Princes and Magistrates, the spirituall and Ecclesiasticall to Priests, Prelats, and Pastours, as aboue we haue seene. For although there be no such naturall repugnancie, but that these powers may consort in one, and the selfe same person (for as S. HIEROME sayth, in the law of Nature the first begotten of euerie familie, were Priests and Temporall Lords, *Melchisedech* also, *and Moyses*, and the *Machabees* were Priests and Princes) yet it is most conuenient that these two powers should be separated; the King and Prince, by reason of his warres and Temporall Affaires, wherwith he is intangled, being not so apt to menage matters of the Church and Religion, the Prelate and Pastour being by office obliged to attend to diuine matters, from which the menaging of common wealthes affaires would much distract him. And therfore as the Church came to greater perfection, so were these offices giuen to distinct officers. For IOSVE was made Captaine and Commander in Temporall things, ELEAZAR, was the High Priest, and chiefe in matters of the Church. AMARIAS the High Priest commanded, *in his, quæ ad Deum pertinent, in matters pertaining to God*, and ZABADIAS was deputed to the gouernment of those thinges that appertained to military affaires. And so from the first establish-

Ep. 126. *ad Euag.*

Num. 27.

2. *Paralip.* 19.

ing

ing of the law of *Moyses*, the Temple and Synagogue was committed to the *Tribe* of LEVI, the scepter and regall Authoritie was giuen to the *Tribe* of IVDA; in like sort in the law of Grace, when the Church came to her greatest perfection, Christ appointed particularly Apostles, Doctours, and Pastours to gouerne the Church; and confirmed Princes in their temporall Authoritie, commanding that obedience should be giuen to the Pastour in spirituall matters, and to the Prince in temporall. *Ephes.* 4. *Mat.* 22 *Rom.* 13

2. VVherfore least in giuing one of these Potentates too much, I may do iniurie to the other, I must follow our Sauiours Commandement, and so giue to *Cesar* that which belongeth to him, that I take not from God and his Church, what appertaineth to them. And although in giuing both but their due, I may perchance displease one, yet if I may haue that indifferent audience, which the grauitie and equitie of the cause requireth, I hope to offend neither: and how soeuer it happen, I had rather displease, then do wronge or iniurie. And wheras in our Iland, by the sway of Authoritie and terrour of lawes, it hath bene made High Treason to denie the Prince Authoritie in matters Ecclesiasticall I protest, that what I shall say in this matter proceedeth not from any disloyall minde towards my Princes true Authoritie, nor from any itching desire I haue to lay open *Mat.* 22

the disgrace of my Countrie, which I would rather couer, if it were possible, with my owne life and bloud, and to discharge my self from all iust imputation of Treason, I desire to haue the leaue, to plead this onlie for my defence that if this be Treason in mee, not onlie all Catholick Priests, Doctours, and Prelates of the Church, but also all the ancient subiectes, not onlie of England, but of all other Christian Countries, must incurre the same imputation with me, because there was neuer Christians before our English Protestants, that gaue Ecclesiasticall power to Princes, and there was neuer King of England, or of any other Countrie what soeuer, that euer was so hardie, as to challenge such Authoritie, before King HENRIE *the Eight*; which his Challenge seemed so preposterous and monstrous, that all the World stood, and to this day standeth, amazed at it, and euen our Puritanes at home, and all the new sectes abroade, do abhorre and detest it. And I in this Chapter shall bring such Argumentes against it, that I hope, that euen our English Protestants, who hitherto haue adored it, wil be ashamed hence forth to submitt them selues to so monstrous Authoritie.

3. My first Arguments shall be drawen from scriptures them selues. For if the King had any such Authoritie, then no doubt scripture (Which, as aboue wee haue seene,

so often

ſo often inculcateth Princes Authoritie in matters temporall) would neuer haue kept ſilent this Eccleſiaſtinall power, if they had had any ſuch, this being the greater, and more eminent: but ſcripture neuer giueth Princes this Authoritie, neuer commandeth Chriſtians to obey them in Eccleſiaſticall matters, but rather giueth that Authoritie to Apoſtles, Biſhops, and Paſtours, and Commandeth obedience in this kinde to them, not to Princes; *ergo* Princes haue no Authoritie to command in Eccleſiaſticall matters. The *Minor Propoſition*, in which onlie conſiſts the difficultie, I proue out of thoſe places of Scripture, which aboue I haue alleaged, and here will bring in againe, yet to another purpoſe. For to S. PETER, no Temporall Prince, but an Apoſtle, and Paſtour, was promiſed the headſhip of the Church, and conſequently the ſoueraintie and ſupreame power of the Church. *Tues Petrus, & ſuper hanc Petram edificabo Eccleſiam meam.* The Hebrew hath *Thou art a Rocke, and vpon this Rocke will I build my Church.* And ſeing that to PETER it was ſayd, *Thou art a Rocke*; to him alſo, and not to CHRIST the Chiefe and independent Rocke, nor to the faith of Chriſt, as our Aduerſaries would haue it, it muſt needs be ſayd, *and vpon this Rocke will I build my Church*, becauſe the Relatiue, This, hath relation to him, that was ſpoken of imediatly before, which was only PETER, not CHRIST,

nor the faith of CHRIST; and therfore the Rocke, and foundation of the Church and Head being all one, it followeth that PETER, and consequently the Pope his successour (for the Church after PETERS tyme, had as much neede, or rather more, of a Head and Pastour, as in PETERS tyme, and none euer practized Authoritie ouer all the Church, but the Pope, as all Councels and histories do witnesse) is the supreme Head of the Church, and so not euerie King, no, not any King in his Kingdome. *Apostles, Prophetes, Euangelists Pastours and Doctours onlie, CHRIST gaue to gouerne his Church,* (as S. PAVLE sayth) not Princes: To Apo-

Ephes.4.

Mat.18 stles it was sayd; *VVhat soeuer you shall binde vpon earth, shall be bound also in Heauen; and what soeuer you shall loose vpon earth, shall be also loosed in heauen:* Neuer to Princes. To Apostles it was

Ioan.20 said: *VVhose sinnes you shall forgiue, they are forginen them; and whose you shall retaine, they are retained:* Neuer to Princes. Of Bishops and

Heb.13. Priests it was sayd: *Obey your Prelates, and be subiect to them; for they watch, as being to render account for your soules:* of Princes neuer; rather they by these wordes are commanded, also

Act.20. to obey. To Bishops it was sayd. *Take heede to your selues, and the whole flocke, wherein the Holie Ghost hath placed you Bishops to rule the Church, which he hath purchased with his owne blood,* to Princes neuer. To a Bishop it was

Tit.1. sayd: *For this cause I left thee in CRETE, that thou shouldst reforme the things, that are wanting, and*

shouldst

shouldst order Priests by Cities, as I also appointed thee; To Princes neuer.

4. I will not denie but that Princes are to assist the Church by sword, scepter, and Power, and to punnish at the Churches direction, not onlie Theefes and murderers, but also Hereticks as CONSTANTINE and other Emperours did. I graunt that they are *nourcing Fathers*, bnt no Superiours to the Church. And therfore if we read ouer both the old and new Testament, we shall neuer finde, that any King, as King, medled in the gouernment of Eccleſiasticall persons and matters. *Isay. 49.*

5. Bilson when he was *VVardon* of *VVinchester*, wrote a booke called *The True Difference betwixt Christian subiection and Vnchristian Rebellion*: in which he striueth, but in vaine, to prooue that the Prince hath supreme Authoritie in causes Ecclesiasticall, and gouernment of the Church. And to prooue this, he citeth *Nabuchodonoſor*, *Darius*, the King of *Niniue*, *Moyses*, *Iosue*, *Dauid*, *Salomon*, *Asa*, *Iosaphat*, *Ezechias*, *Manasses*, *Iosias*, and *Nehemias*, as though they had gouerned the Eccleſiasticall affaires of the Synagogue. So doth also D. ANDREWES. But if I should graunt them that all these were by God appointed Rulers of the Synagogue; yet could it not thence be inferred that Princes are to gouerne the Church of Christ. For *first* the Synagogue was more terrene and Lesse perfect then the Church; and so as their sacrifices *Par. 2. pag. 191*

In Torturam Torti pa. 363.

crifices and Priests were terrene in respect of ours, so God might haue giuen them terrene Princes for their chiefe Ecclesiasticall superiours, which manner of gouernment is not to be made a patterne for the gouernment of the Church of CHRIST, this being a more perfect common wealth, more spirituall, gouerned by more spirituall Pastours, enriched with a more spirituall sacrifice and Sacraments. *Secondlie*, if Princes then were rulers of the Synagogue, it was by Gods speciall and Iudiciall law, and seing the Iudiciall and Ceremoniall lawes are abrogated, they can not binde Christians; or if *Bilson* will needs haue it, that Christian Princes must now gouerne the Church, because they then ruled the Synagogue, one might inferre that the Ministers of England must be circumcized, and must offer Calues, because then the Iewish Priests did so. VVherfore that law as Ceremoniall and Iudiciall, being abrogated, we must looke to the new law; in which not withstanding there is no one Text or example, that giueth Princes the rule of the Church. *Thirdlie* I answere that none of all the Kings alledged by D. *Bilson* and D. *Andrewes* did gouerne the Synagogue in Ecclesiasticall matters, but did onlie assist the priests, that gouerned and punnished Malefactours and transgressours of the law, according to the prescript of the law interpreted by the Priests, as *Suarez* in his

Suarez.

his answere to our soueraine hath learnedlie declared.

6. The second argument against Princes spirituall supremacie shall be this. If a Prince hath authoritie to gouerne the Church of his Kingdome, either he hath it preciselie because he is a King, or because he is a Christian King; but by neither of these waies he hath it; *ergo* by no way he hath it. Not because he is a King; for Kinglie power only medleth with temporall and humane matters, and therfore Kings are called *Humana Creaturæ*, humane creatures, and they haue their authoritie from the people in manner afore sayd, which people can giue no Ecclesiasticall power, that being spirituall and supernaturall; yea if Kings as Kings had this Authoritie, then the Kinges which raigned in the Apostles time, though Infidels, should haue been Heads of the Church, although they were no members at all, and consequentlie NERO should haue been Head of the Church, and all the Apostles, and the sheepe of Christ had bene committed to a Rauening Wolfe; which though it be most absurd to imagine, yet TOMSOM, as BECANVS in his booke entituled *the English Iarre* reciteth, is not ashamed to auouch, it saying: *Omnes Principes etiam Pagani obiectiuè habent supremam potestatem in omnes omnino personas suorum subditorum, generatim in res ipsas, siue ciuiles sunt, siue sacræ, All Princes, euen Paganes, obiectiuelie haue supreme Autho-* 1. *Petri.* 2.

Authoritie ouer all the persons of their subiectes, and generallie ouer their goods, whether they be Ciuill or holy. Not becauſe he is a Chriſtian King, becauſe Baptiſme, by which he is made a Chriſtian and member of the Church, giueth the King no new power, no more then it doth to others that are baptized: And therfore if before Baptiſme he be no Head of the Church, neither is he after Baptiſme, rather Baptiſme, as aboue we haue ſeene, maketh him a ſubiect to the Church, wheras before he was not, and only giueth him a new charge to obey, ſerue, and aſſiſt the Church. VVherby it may appeare how fowlie Doctour ANDREWS was deceiued when he ſayd, That an Ethnick King, when he becommeth a Chriſtian, gaineth and getteth a new right and power ouer the Church and Spirituall matters: for theſe are his wordes: *Quin Rex quiuis, cum de Ethnico Chriſtianus ſit, non perdit terrenum ius, ſed acquirit ius nouum in bonis Eccleſiæ ſpiritualibus. Yea euery King when of an Ethnike he becometh Chriſtian, doth not looſe his terrene right, but getteth a new right in the ſpirituall goods of the Church.* And Citing *Bellarmine* he ſayth: *Omnia hæc Dominus tuus totidem verbis; All thoſe things thy Maſter (Bellarmin) in ſo many words affirmeth*: as though *Bellarmine* had affirmed that a Pagan King were Head of the Church, and had right and power in ſpirituall matters, whereas *Bellarmine* is too learned to make ſo groſſe an errour, and only affirmeth That

Tortura Torti pag. 40.

Bellar. lib. 5. de Pont. ca. 2. & 3.

Pagan

Pagan Kings, are true Princes and Lords of their Countries.

7. But perchance they will say that the Prince hath this Authoritie by a speciall Graunt from God himself. This they may say, but with how little reason, may appeare by that, which alreadie I haue handled in this Chapter; for I haue prooued out of scripture, that Christ gaue all Authoritie concerning the gouernment of the Church to his Apostles and their successours, and not any at all to Kings and Princes. VVhich because our state pleasers perceaued well enough, they are enforced to play the Iewes, and to alledge examples out of the old law, as D. *Bilson* and D. ANDREWS do, which examples not withstanding, as I haue shewed, do not hit their purpose; for they knew, and D. ANDREWS confesseth (saying, *Exemplum inde nobis sumendum est, cum in Testamento nouo nullum habeamus. Thence wee must take an example, since in the new Testament we haue none*) that there is not one text or example in the new Testament that giues Princes any power ouer the Church, but rather giueth it from them vnto the Pastours. *Torturæ Torti pa. 363.*

8. *Thirdlie* if Princes were supreme Commanders in Ecclesiasticall matters, and gouerment of the Church, the gouernment of the Church should not be Monarchiall which yet is the best gouernment, as *Aristocle* with all the best Philosophers, and auncient Fathers do affirme, and was in deed chosen by *Aristot. l. 8. Eth. c. 10 Plato in Poli. Se-*

nec. lib. 2. de Benef. Plut. in opusc. ea de re Homer. 2. Iliad. Iustorat. ad gent. Athan. orat. ad Idola. Cypr. lib. de vanit. Idolorū. Mat. 16. Ioan. 21.

by Christ for his Church, as the writers of this time prooue out of scripture, and especiallie out of those wordes spoken to S. Peter. *Thou art Peter and on this Rocke, will I build my Church*; and those also: *Pasce oues meas, feede my sheepe*, but rather, if Kinges were euerie one head of the Church in their Kingdomes, the gouernmēt of the Church, should be Aristocraticall, because the Church should be gouerned by diuers Princes which were most inconuenient in the Church, and subiect to schismes and tumultes. For if euerie King be supreme Head in his Kingdome, when a Generall Councell should be called (as his Maiestie of *England* desireth) I demand who should call it? The Emperour? the Kinges of *England*, *Spaine*, and *France*, though they giue him precedence in place and honour, yet they pretend by prescription and other Titles to be quite exempt from him, and subiect to none in temporall matters; And seing that this supremacie in Ecclesiasticall matters, either is not distinguished from their Regall Authoritie, or is necessarilie annexed vnto it, as they refuse to be subiect in temporall matters, so might they in Ecclesiasticall. The King of *England*? Why he rather then the King of *France*? The King of *France*? why he rather then any of the others? Yea if these Kings pretend not to be subiect to the Emperour, much more may they claime exemption from one another.

9. If

9. If any answere that by Common consent they may either choose one to call the rest, or being all equall, they may meete altogether in one; neither will this serue: For as for the first meanes, it is morally impossible, because Kinges, who haue high aspiring mindes, would neuer be drawen to subiect them selues to any, and so whilst euerie one would be Chiefe, none should be Chiefe. The second meanes is as impossible for first, where shall they meet? Certes no King will easilie leaue his Kingdome; and so euerie one would be desirous to haue the Councell in his Countrie, yea euerie one would refuse to haue such a meeting in his Kingdome for feare of daunger. But suppose they meete, when they are mett how shall they agree, especiallie they being commonly of diuers Religions? for if a King, in that he is a King, is to iudge in matters of the Church, euery King hath right to be of this Councell, and so the Turke, the Persian, the Muscouite, shall haue place in this Councell. If you say that not euerie King, but onely Christian Kinges are Heads of the Church in their Kingdomes; then at least Catholick, Lutheran, and Caluinian Kinges, must be of the Councell; and how shall these agree, who shall moderat, seing there is no more reason of one then another? If you say that Bishops must be the Men, that must make Decrees, and Canons, and conclude all in

this Councell; This they cannot do without Kinges, if euerie King be ſupreme Head in their Countrie: and therfore it was enacted accordinglie in the *Parlament* holden by King HENRIE *the Eight*, in the twenty ſixt yeare of his raigne, That he ſhould be reputed ſupreme Head of the Church of England, and ſhould haue all the honours, Authorities, and commodities belonging there vnto; Amongſt which honours the Principall, and that which is neceſſarilie annexed vnto the Headship of the Church is to call Councels, and to ſitt as Chiefe Iudge in them. And Queene ELIZABETH had alſo graunted vnto her by a *Parlament* in the firſt yeare of her raigne, all power for the correction and reformation of the Clergie, for the iudgements and punishmẽts of ſchiſmes and hereſies, for nominating of Bishops, and for calling of Synods, and that with ſuch ample Authoritie, that nothing ſhould be decreed in any Synod with in the Realme, without expreſſe licence, and conſent of the Queene: And if the Bishops in the Councell agree not, as I ſee not how they can, if there be no one amongſt them, that can command, who ſhall be the man, that ſhall take vp the matter amongſt them? If you ſay the Kings, I demand, who ſhall beare the ſway amongſt them? And ſo to make Kinges Heads of the Church in their Kingdomes, is to hinder all Generall Councels, which yet here-

See Poulton. in hu Abridgemẽt of the ſtatutes. Sander. de Schiſ. Angl.

heretofore haue been ſo oft aſſembled by the Authoritie of the Pope, to the great profit, peace, and vnitie of the Church.

10. *Fourthlie*, if Princes in that they are Princes, or Chriſtian Princes, were Heades of the Church in their Realme, then Children might be Heades of the Church, yea and women alſo, for they are capable of Regall Authoritie, wheras not withſtãding the Wiſeman pronounceth a væ & curſe to the land whoſe King is a Child. And much more woe it were to a Church, whoſe head is a Child. Surely S. PAVL, that commands women to be ſilent in the Church, would neuer haue permitted ſuch to gouerne the Church. And yet after King HENRIE had arrogated this monſtrous power (in a King) to make it ridiculous to the world, God permitted that next after him a Child came to be King, & the Head of the Church of England, and next but one after the Child, a womã ſucceeded alſo in the like authoritie. *Eccleſiaſtes* 10. 1. *Cor.* 14

11. *Fiftlie*, to make enerie King ſupreme Head of the Church in his Kingdome, deſtroyeth the vnitie of the Church, for wheras there are three eſpeciall, and eſſentiall Vnities in the Church, to wit, Vnitie of Head and one gouernment, Vnitie of one faith, Vnitie of the ſame externall profeſſion and worship of God by the ſame rites and Sacramentes; If we receaue euerie Prince in his Realme for Head of the Church, theſe three Vnities can not long

be conſerued. For as for the firſt Vnitie, though our Aduerſaries would ſay, that it may well be conſerued in CHRIST, who is the principall, and onely principall, and abſolute Head; yet becauſe CHRIST is now aſcended to his Father, and conuerſeth no more viſibly amongſt vs, beſides him the Church, which is a Viſible Congregation and bodie, ſtandeth in neede of a viſible Head, elſe should she be viſibly headleſſe and imperfect. And therfore as ſcripture hath declared CHRIST for our ſoueraine and inviſible head: *Vnum ouile, vnus Paſtor. One fould, one Paſtour.* And againe: *Ipſum dedit caput ſupra omnem Eccleſiam. God the Father made him head ouer all the Church, which is his bodie*: So doth ſcripture, and CHRIST him ſelf in ſcripture, point out another vnderhead, and viſible Paſtour, ſaying: *Thou art Peter, and vpon this Rocke will I build my Church*; and againe. *Paſce oues meas, feede my sheepe*, that is all Chriſtians; and ſo PETER was in his time, and his ſucceſſour the Pope, now is Chiefe Head and viſible paſtour ouer all Chriſtians, and conſequentlie ouer all Bishops, euen in a Generall Councell, vnleſſe they will denie them ſelues to be the sheepe of *Christ*. And this Vnitie was neceſſarie to conſerue the other Vnities of faith, and eternall profeſſion and worship of God by the ſame Sacramétes. For diuers viſible Heades would not ſo eaſilie agree amongſt them ſelues, it being a naturall thing for mé, in equall authoritie,

Ioan. 10

Ephes. 1.

Mat. 16.

Ioan. 21

ex^c

to

to striue to drawe all to their partie. Whereupon S. CIPRIAN sayth: That the Church is *Plebs suo sacerdoti adunata*. The people vnited to their Priest. And that *Non aliunde natæ sunt hæreses, aut ortæ schismata, nisi quod vni sacerdoti Dei ab vniuersa fraternitate non obtemperetur*. Not from any other source heresies or schismes are risen, then for that obedience is not giuen to one Priest of all the fraternitie. For why? *Exordium ab vno proficiscitur, & Primatus Petro datur, vt vna Christi Ecclesia, & vna Cathedra monstretur*. The beginning is taken from one, and the Primacie is giuen to PETER, that one Church and one chaire may be shewed. And in his Epistle to Iubaianus: *Ecclesia, quæ vna est, super vnum, qui Claues accepit, voce Domini fundata est*. The Church which is one, is by the voice of our Lord founded vpon one, who hath receiued the Keyes. And S. HIEROME sayth; *Inter duodecim vnus eligitur, vt capite constituto, schismatis tollatur occasio*. Amongest twelue one is chosen, that the Head being appointed, the occasion of schisme may be taken away. But if we admit euerie King as Head of the Church in his Kingdome, we shall not haue one visible Head, but manie, and those also verie diuers. For as Kings claime supremacie in causes Ecclesiasticall, because they are supreme Princes, for the same reason may the senate in *Venice*, *Genua*, and *Geneua* challenge the same Authoritie: Whence followeth, that vnitie in faith and Sacraments vnder so diuers Heads, cannot any long time be retained; but we should haue as many Religions, as

Cypria. lib. 4. ep. 9. lib. 1. epist. 8. lib. de vnit. Eccl.

Cypr. ep. ad Iubaianũ. Hier. lib. 2. contra Iouin.

Kings, and as many diuers and independent Churches ~~and~~ as Kingdomes for one King will not depend either for him ſelfe, or his people of an other.

12. This diuiſion we ſee alreadie proceedeth from theſe diuers Heads. Haue we not ſeene how Religion in *England* hath changed with our Kinges, ſince they challenged ſupremacie of our Church? King HENRIE *the Eight* in the ſix and twentith yeare of his Raigne, in the *Parlament* holden at *VVeſtminſter*, the third of Nouember 1534. enacted that the King ſhould be reputed the onlie ſupreme Head in earth of the Church of England, and ſhould *haue aſwel the Title and ſtile, as all honours, authorities, and commodities belonging thervnto, and all power alſo to redreſſe all Hereſies, errours, and abuſes in the ſame*: and the yeare before alſo, the fifteenth of Ianuary, the King and Parlament decreed, *That no Appeales ſhould be made to Rome, no Annates or Impoſitions ſhould be paied to the Biſhop of Rome, no ſutes ſhould be made to him, for licēce or diſpenſation.* And yet in the *Parlamēt* holden at *Weſtminſter* anno Dòmini 1554. the firſt and ſecond yeare of King PHILIP and Queene MARIE, obedience was reſtored to the Church of Rome, and all ſtatutes repealed, which derogated to the Authoritie and honour of the Sea Apoſtolick, and the Title of the Kings ſupremacie in cauſes Eccleſiaſticall was reiected. After this notwithſtanding was the ſame Authoritie taken againe by

Queene

Queene ELIZABETH in the Parlament Anno Domini 1558. Likewiſe in the *Parlament* holden by King HENRIE *the Eight* in the one and thirtith yeare of his raigne, and eight and twentith of April, and in the yeare of our Lord 1537. theſe ſix Articles were enacted: *The Reall preſence of the true and naturall Bodie and bloud of Chriſt vnder the formes of bread and wine, without the ſubſtance of bread and wine. 2. That Communion vnder both kindes, is not neceſſarie for the people. 3. That Prieſts cannot marrie after Prieſthood. 4. That Religious after their vowes cannot marrie. 5. That Priuate Maſſes are according to Gods law, and to be allowed 6. That Auricular Confeſsion is expedient, and neceſſarie.* And yet this ſtatute was qualified and repealed by EDWARD *the ſixt* his ſonne, and as yet a Child, in the yeare of our Lord 1547. 4. Nouemb. and firſt yeare of his raigne: After that againe the ſelf ſame ſix Articles were receiued and confirmed in Queene MARIES raigne in the firſt Parlament an. Domini 1553. 24. Octob. and in another an. Domini 1554. Likewiſe King HENRIE *the Eight*, in the Parlament holden the 22. of Ianuary and 34. of his raigne in the yeare of our Lord 1542. condemned Tindals Translation of the Bible, and all bookes written againſt the Bleſſed Sacrament, and forbad the Bible to be redd in English in any Church, which ſtatutes were repealed by King EDWARD at *VVeſtminſter* an 1. Edu. 6. Domini 1547. And yet the former ſtatute of King HENRIE,

Anno 1. regni Elizab die 13. Ian.

The Six Articles.

was renewed by Queen MARIE in the first yeare of her raigne an. Domini 1553. and repealed againe by Queen ELIZABETH in the first yeare of her raigne. So that if Kings be heads of the Church, and haue supreme Ecclesiasticall Iurisdiction. we shall haue as many Religions almost, as Kinges. And euen as King HENRIE *the Eight* after his vsurpation of the supremacie, changed his wiues, and made his mariages lawfull and vnlawfull, his children legitimat and illegitimat at his pleasure, and by Authoritie also of the Parlament, which durst not gainesaie; so euery King shall haue authotity to change religion, and must be obeyed as the onlie supreme Head in earth of the Church For as King HENRIE *the Eight*, and his young Sonne King EDWARD, and his Daughter Queene ELIZABETH challenged Authoritie to redresse errours, and correct heresies, to giue validitie to all Ecclesiasticall lawes and Synodes; as King HENRIE made it Heresie to denie the Reall Presence, so another King of *England*, or of another Kingdome, may decree the contrarie. As King HENRIE forbad Priests to marrie; so another King will permit them to marrie. As King HENRIE commanded the Bibles to be read, and diuine seruice to be sayd, and song in Latin; so another will like better of the vulgar tongue of his owne Countrie: and if you say, that the King is tyed to the word of God, euerie one of them

them will say, that they follow the word of God, hauing the Authoritie to iudge of heresies, and consequentlie of the true meaning of the word of God.

3. *Sixtlie*, if Princes were Heads of the Church, a ridiculous consequence, and of which euen the Kinges and Queenes of *England* haue bene ashamed, would follow; to wit, that they may preach, minister Sacramentes, excommunicate, call Councels and sit as iudges in them &c. For if the Prince be supreme head, he is also supreme Pastour of the Church of his Kingdome; for Head and Pastour in this kind is all one. And this D. ANDREWES graunteth and prooueth by the example of DAVID, to whom the people sayd, That God had sayd vnto him: *Tu pasces populum meum Israel. Thou shalt feede my people of Israel.* VVheras there only mention is of a Temporall Pastour, gouernment, and feeding as appeareth by the words following: *Tu eris Dux super Israel. Thou shalt be Captain ouer Israel.* And in this sence IOSEPH said: *Ego te pascam. I will feede thee*, meaning his father IACOB. So that if the Prince be Head of the Church, he is Pastour; but it pertaineth to the office of a Pastour to gouerne his sheepe by lawes, to feede them with bread of the word of God, by which the soule liueth, and the Sacraments, to seuer an infected sheepe from the flocke, by excõmunication, least it infect the whole; and consequentlie, if the King be supreme

In Torturam Torti,

2. Reg. 5

Gen. 45.

Matt. 4.

head, he may make Eccleſiaſticall lawes, propoſe the word of God by preaching, and true interpretation of it in Councels, ſeparate heretikes from the sheepefould by excommunication, leaſt they peruert others. Yea, if the Prince be ſupreme Head of the Church, all Authoritie of preaching, adminiſtration of Sacraments, calling Councels, iudging, and defining in them, collation of Benefices, giuing of orders, Iuriſdictions, abſoluing, diſpenſing, excommunicating proceedeth from him. VVherefore King HENRIE *the Eight*, as he challenged the Title of ſupreme Head, ſo he challenged almoſt all this Authoritie, as we haue ſeene. And to Queene ELIZABETH in the firſt *Parlament*, and firſt yeare of her raigne, the like authoritie was graunted. For in that *Parlament* it was decreed, that *she, her heires, and ſucceſſours ſhould haue all priueledges, preeminences, prerogatiues, and ſpirituall ſuperiorities, which may be exerciſed, or had of any power, or man Eccleſiaſticall: That she, and her ſucceſſours, ſhould haue all power of nominating and ſubſtituting whom she will to correct hereſies, ſchiſmes, abuſes, and to vſe all authoritie, which an Eccleſiaſticall Magiſtrate may doe.* There alſo it was decreed, that no Synode shoulde be called, but by the Princes letters and commandement, and that a Bishop should not be nominated or elected by any other, then the Princes Authoritie, nor should exerciſe any Iuriſdiction, but at the Queenes pleaſure, nor otherwiſe then by

Vide Sander. de Schiſ. Angl. fol. 149. 150. 151 See alſo Poultons Abbridgement of the ſtatutes.

by Authoritie from her Regall Maieſtie. And hence it is, that the Prince writeth to the Archbishop in this manner: *For as much as all Iuriſdiction, as well Eccleſiaſticall, as ſecular, proceedeth from Kinglie power, as from the Head; we giue thee Power to promote by theſe preſents to holy Orders* &c. And the Archbishop of *Canterburie* vſeth this ſtile: *VVe N. by the Diuine permiſsion Archbishop and Primat of England authoriſed ſufficientlie by the Kinges or Queenes Maieſtie* &c. This argueth that in England all Eccleſiaſticall Iurisdiction to excommunicare, abſolue, to preach, and miniſter Sacraments, to call Synodes, to decree in them, to make Eccleſiaſticall lawes &c, proceedeth from the Prince, as from the Head and fountaine; and conſequentlie ſeing that what Authoritie the Prince giueth to others, he hath him ſelf, hee may excommunicate, make Eccleſiaſticall lawes, call Councels, ſitt as ſupreme Iudge in them, as others by his Authoritie doe. And ſeing he can giue to others Iurisdiction to giue Orders, he may alſo miniſter Sacraments, preach, and teach; for this Authoritie he giueth to others. And therfore as in all Common wealthes, the Prince can do thoſe thinges, which his inferiour Officers do, though it be not alwaies ſo conuenient; ſo, if all Eccleſiaſticall power proceedeth from the King as from the Head and fountaine, looke what the Bishops and Miniſters can do by Authoritie receaued from him,

him, that he alſo him ſelf may do; which yet is ſo ridiculous, that our Princes hitherto haue bene aſhamed of manie of thoſe offices; and as we ſhall ſee anon, euen the Proteſtants of England, when they are preſſed, are aſhamed of this monſtrous Authoritie.

14. *Seuenthlie* if Chriſtian Kings (for few of our Aduerſaries dare ſay that Pagan Kings haue Eccleſiaſticall Authoritie) be heads of the Church; it followeth that till CONSTANTINE, or PHILIP, the firſt Chriſtian Emperours, the Church was without a head for three hundred yeares. If you ſay that S. PETER, and his ſucceſſours were heads till CONSTANTINE, then I demaund, who depoſed Pope SYLVESTER, when CONSTANTINE came to be Chriſtian, and conſequently Head? or if S. SYLVESTER was not depoſed, then it followeth that there were two Heads at once, and thoſe not ſubordinate.

18. *Eightlie* I prooue this, by Kings and Emperours Confeſſions. And as towching Kings, wee haue ſeene their Confeſſions in the former Chapter. As for Emperours, CONSTANTINE (as we haue ſeene) called the Bishops of the Nicen Councell, his *Gods and Iudges*; and as *Euſebius* reporteth he was wont to ſay to Bishops: *Vos ô Epiſcopi, intra Eccleſiam, ego extra Eccleſiam à Deo Epiſcopus conſtitutus ſum. You, ô Bishops, in affaires with in the Church, I in matters without the Church am appointed*

Ruffinus li. 1. cap. 2. Euſeb. lib. 4. de vita Conſtãt. cap. 24.

pointed Bishop by God. Meaning that he was to be a vigilant Prince, in the gouernment of the Empire, but not to meddle with Ecclesiasticall affaires. And therfore when the *Donatists* in a matter pertaininge to the Churches deciding, appealed from a *Councell* of Bishops holden by Pope MELCHIADES, vnto him; *Non est ausus* (saieth S. Augustin) *Christianus Imperator sic eorum tumultuosas & fallaces quærelas suscipere, vt de iudicio Episcoporum, qui Romæ sederant, ipse iudicaret. He durst not so to admit their complaints, as to Iudge of the Bishops who in Rome had sit in Iudgement.* Yea OPTATVS saieth, That when he saw they appealed in such a matter vnto him, he exclamed: *O rabida furoris audacia, sicut in causis Gentilium fieri solet, appellationem interposuerunt. O VVood mad andacitie of furie, they haue interposed an appellation as is wont to be done in the causes of Gentils.* VVheras Doctour ANDREWS saith that CONSTANTIN delegated the Bishops to heare the Donatists cause, I demande wherpn he groundeth that? for if he might delegate, he might haue iudged of the Bishops sentence, and yet S. AVGVSTIN saieth he durst not, And although at last, ouercome by their importunitie, he heard them, yet not as Iudge, but as an Arbiter. THEODOSIVS the yonger sent Counte *Candidianus* to the Councell of *Ephesus* with this caueat, That he should not meddle in Ecclesiasticall matters; because, *illicitum est eum, qui non sit ex ordine sanctissimorum Episcoporum, sese Ecclesiasticis immis-*

Augustin. epi. 162.

Optat. lib. 1. cont. Parm. circa finem.

Tortura Tort. pa. 174.

immiſcere tractatibus; It is vnlawfull for him that is not of the order of moſt holy Bishops, to entermeddle him ſelfe in Eccleſiaſticall treaties, and affaires. But Doctour ANDREWES anſwereth, That it is no good Argument to ſay; A Count can not meddle in Councels, *ergo* an Emperour cannot. But he should haue remembred that this Count was ſent to ſupplie the Emperours place, and therfore if he, as the Emperours Ambaſſadour, could not meddle in Councels, neither could the Emperour him ſelfe. He should alſo haue marked the Emperours reaſon, which was, becauſe *it is vnlawfull for him, that is not of the order of Bishops, to meddle in Eccleſiaſticall affaires*; which reaſon aſwell excludeth the Emperour as the Count, vnleſſe Doctour ANDREWES will make all Kings and Emperours Bishops. VALENTINIAN the elder ſaied, *Sibi, qui vnus è laicorum numero erat, non licere ſe huiuſmodi rebus interponere: It was not lawfull for him, who is one of the layitie, to meddle in ſuch matters*: And although Doctour ANDREWES would expound *Zozomen* (who reporteth this ſpeech of the Emperour) by *Nicephorus*, who reporteth the Emperour to haue ſaied; *Mihi negotiis occupato, & Reipublicæ curis diſtento, res huiuſmodi inquirere non facile eſt; It is no eaſie for me, who am buſied with buſineſſes, and diſtracted with the cares of the Common wealth, to take notice of theſe matters*: as though the Emperour had authoritie to meddle in Councels, but was not at leiſure; yet the greeke

Tortura Torti pa. 175.

Sozom. l. 6. ca. 7. & 2. 1.

Hiſt. Tri. part. lib. 7. c. 8.

word

word, θεμις, with Doctour ANDREWES leaue, signifieth not *facile* but, *fas*, as he may see in BVDAEVS, and consequentlie that the Emperor meant that it was not lawfull for him to intermeddle in such matters. And this meaning NICEPHORVS his next words do argue when he sayth: *Vos autem quibus hæc procuratio mandata est*: *But you to whom this procuration is committed*. The same meaning also do ZOZOMENVS his owne words following insinuat: *Et ideo Sacerdotes & Episcopi, quibus hæc curæ sunt* &c. *And therfore Priests and Bishops who haue care of these thinges*. So that the Emperour meant, that he could not onlie not be at leisure, but also that it was not lawfull for him to meddle in Councels. Yea he was so farre from intermedling in Ecclesiasticall matters, that when the Bishops assembled at *Milan*, desired him to nominate the Bishop of *Milan*; he wrote to the Bishops *to choose such a one as to whom* (said he) *we that gouerue the Empire may incline our heads, because*, saith he, *supra nos est talis electio*: *such an Election passeth our Authoritie*.

Tortura Torti pag. 174.

16. *Ninthlie*, This the ancient Fathers haue taught, and told euen Emperours to their faces. ATHANASIVS: *Si istud est iudicium Episcoporum, quid commune cum eo habet Imperator?* &c. *If this belong to the Iudgement of Bishops, what hath the Emperour to do with it?* And a little after. *Quando à condito æuo auditum est? quando Iudicium Ecclesiæ Authoritatem suam ab Imperatore accepit? aut quando vnquam hoc pro iudicio agnitum*

Epist. ad soli. vitã agentes.

agnitum est? Plurima ante hac Synodi fuere, multa Iudicia Ecclesiæ habitæ sunt. Sed neque Patres istiusmodi res principi persuadere conati sunt, nec Princeps sein rebus Ecclesiasticis curiosum præbuit. When from the beginning of the world was it heard, when did the Iudgement of the Church take her Authoritie from the Emperour? Many Synods before these tymes haue been, many Iudgementes of the Church haue been giuen. But neither did the Fathers persuade the Prince to meddle in those matters, neither was the Prince so curious as to entermeddle in Ecclesiasticall matters. Yea in the same Epistle he addeth:

Ibidem. *Quis enim videns eum* (Constantium) *in decernendo, Principem se facere Episcoporum, & præsidere Ecclesiasticis iudiciis, non merito dicat; illum eam ipsam Abominationem desolationis esse? For who seing him* (Constantius) *making him selfe Prince of the Bishops in decerning, and bearing Authoritie ouer Ecclesiasticall Iudgements, may not worthilie say that he is the Abomination of desolation?* And in that very Epistle he often tymes calleth Constantivs the Precursour of *Antichrist*, for arrogating Authoritie in Councelles, and ouer Bishops, and for entermeddling in matters appertaining to the Church.

Athan. Apol. pro fuga. parum ab initio. Hosivs *Cordubensis*, whom *Athanasius* calleth vere *Osium*, that is, a *Saint*, and of whom he giueth this commendation: *In what Synode was not hee the Captaine and Ringleader? Whom did not hee by defending the truth draw to his Opinion? What Church doth not keepe the monuments of his Presidence?* Hosivs, I say thus highly commended by S. Athanasivs, being vrged

by

by *Constantius* to communicate with the Arrians, and to subscribe against Athanasius. wrote vnto the Emperour in this manner. *Beleeue mee* (sayth he) *who may be thy Grand father, I was in the* COVNCELL *of* SARDIS, *when thou and thy Blessed brother* CONSTANS *called vs thether* &c. *VVhat Bishop there, was banished? or when did he entermeddle him selfe in Ecclesiasticall Iudgements?* And then he giueth th'Emperour this holsome Counsell, worthie to be followed of all Princes: *Desine, quaeso, & meminerus te mortalem esse*, &c. *Leaue of, I pray thee, and remember, that thou art a mortall man. Feare the day of Iudgement: Keepe thy selfe pure for that day. Do not entermeddle thy selfe in Ecclesiasticall matters, nor do thou commaund vs in this kinde, but rather learne those thinges of vs. God to thee hath committed the Empire, to vs he hath giuen the charge of thinges belonging to the Church: and as he who with maligne lookes carpes at thy Empire, contradicteth the diuine Ordinance; so do thou take heed, least drawing that which appertaineth to the Church vnto thy selfe, thou be made guiltie of a great crime; Giue, it is sayd, to Caesar what belongeth to Caesar, and what appertayneth to God, to God. VVherfore neither is it lawfull for vs to holde the Empire in earth, neither hast thou, O Emperour, power ouer the sacrifices and holyes. These thinges I write for the care I haue of thy Saluation &c.* S. AMBROSE hath manie notable sentences vttered by him with libertie and plainesse worthie such a Prelat. Writing to VALENTINIAN *the younger*, who by the Instigation of his mother, vrged him

Athan. epist ad soli. vitam agentes.

Ambros. lib. 5. op. 32. ad Valens.

to a disputation or conference in matters of Religion in the Consistorie before the Emperour, he refused, because the Emperour had nothing to do in such matters: *neither* (saith he to Valentinian the younger) *ought any to iudge me contumacious, seing that I affirme that onlie, which thy Father of August Memorie, did not only answere by speech, but also by his lawes decreed*, to wit, *In causa fidei vel Ecclesiastici alicuius ordinis, eum iudicare debere, qui nec munere impar sit, nec iure dissimilis. Hæc enim verba rescripti sunt. Hoc est, sacerdotes de sacerdotibus voluit iudicare. That in a cause belonging to faith, or to Ecclesiasticall order, hee should giue Iudgement, who is neither inferiour in office, nor in Right vnlike. For these are the words of the Rescript: That is, he would haue Priests to Iudge Priests.* And a little after: *Quando audisti* (*Clementissime Imperator*) *in causa fidei Laicos de Episcopo iudicasse?* &c. *When didst thou heare, ô most Clement Emperour, that laymen Iudged a Bishop in a cause of faith?* and againe: *Pater tuus Deo fauente vir maturioris ætatis dicebat: Non est meum iudicare inter Episcopos*, &c. *Thy Father, who by Gods fauour was a man of riper age, sayd: It is not my office to Iudge between Bishops; thy Clemencie sayth; I must Iudge. And he being baptized in Christ, thought him selfe vnable to beare such a waight of Iudgement; thy Clemencie, of whom the Sacraments are yet to be deserued, arrogateth iudgement in a matter of faith, when as thou knowest not the mysteries of faith.* And yet againe to the same purpose he addeth: *Soluimus quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo* &c. *VVe haue*

Orat. in Auxent. quæ sequitur epist. citatam.

payed

payed to Cæsar what was Cæsars. Tribute is Cæsars, it is not denyed: the Church is Gods, therfore it must not be giuen to Cæsar; becauſe the Temple can be no right of Cæsars. No mã can deny, but that this is ſpokẽ with Cæsars honour. For what more honorable, then for the Emperour to be called the ſonne of the Church? Which when it is ſayd, it is ſayd without ſinne, it is ſayd with grace. Imperator enim bonus intra Eccleſiam, non ſupra Eccleſiam eſt: for a good Emperour is within the Church, not aboue the Church. The like libertie of ſpeech he vſeth alſo in an Epiſtle to his ſiſter Marcellina: *Mandatur denique; Trade Baſilicam &c. To be brieſe, the Emperours commaund is; Deliuer vp the Church. I anſwer, it is neither lawfull for mee to deliuer it, nor expedient for thee. O Emperour, to take it. Thou canſt by no law ſpoile or ranſake the houſe of any priuat man; and thinkeſt thou that the houſe of God may by thee be deſtroied and ruinated? It is alleaged that to the Emperour all thinges are lawfull, all thinges are his. I anſwer, doe not (ô Emperour) charge thy ſelfe, as to thinke that thou haſt Imperial right ouer diuine thinges. Do not extoll thy ſelfe, but if thou wilt raygne longe, be ſubiect to God. It is written:* Mat. 22 *What is Gods, to God; what is Cæsars, to Cæsar. To the Emperour Palaces do belong, to the Prieſts Churches. To thee is committed the care and charge of publick walles, not of thoſe that be holy.* If S. AMBROSE would not yeeld a Church or Chappell to the Emperours diſpoſition; would he, if he had liued in King HENRIE *the Eight* his time, and in *England*, haue permitted him to ſeaze vpon all Abbayes,

Ambr. li. 5. cit. ep. 33. ad Marcellinam ſororem.

Abbay lands, and Churches belonging vnto them? Or would he, or S. ATHANASIVS, or HOSIVS, haue permitted him to sitt in Parlament as supreme Iudge in matters, not only temporall, but Ecclesiasticall? or if they had seene *Cromwell* appointed King *Henrie* the Eights *Vicaire Generall* in Spirituall causes, taking place aboue all the Bishops and Archbishops in their Conuocation, would not ATHANASIVS haue called it *the Abomination of desolation?*

Bilson in his Difference pa. 174. Andr. in Tortura Torti pa. 169. Field li. 5. de Eccles. cap. 53.

14. To this Argument Doctour BILSON, Doctour ANDREWES, and Doctour FIELD answere, that *Constantius* and *Valentinian the younger*, were reprehended by these Fathers, not for medling in Councels and Ecclesiasticall affaires, but for tyranizing ouer Bishops, and for partiall and vniust dealing. But if these Fathers had meãt no otherwise, they would not so absolutly haue reprehended medling in Ecclesiasticall matters, but would onlie haue inueighed against the abuses. For if a Pope, who is in deed *Head of the Church*, should abuse his Authoritie in Councels or Ecclesiasticall Iudgments; though euen a Catholick, who takes him for supreme Head, might reprehend the abuse, yet he could not saie to him as ATHANASIVS did to *Constantius*: *If this be the Iudgment of Bishops, what hath the Pope to do with it?* Nor could he say to the Pope, as he did to the Emperour: *When was it euer heard from the beginning of the world? when did the Iudgment of the*

Athan. supra.

Church

Church take Authoritie from the Pope? Neither could he haue ſayd to the Pope, as Hosivs ſayd to the ſame *Conſtantius*: *VVhen was the Emperour preſent* (to wit as Iudge, for as Protector and hearer, he knew and ſaw CONSTANTIN *the Great* preſent in the *Councell* of *Nice*) *in Eccleſiaſticall Iudgments?* Neither could he haue ſayd to the Pope, as the ſame HOSIVS ſaieth to *Conſtantius*: *Do not intermeddle in Eccleſiaſticall buſineſſes; nor do thou command vs in this kind, but rather learne theſe thinges of vs.* Much leſſe could thoſe wordes of S. AMBROSE, which he ſo bouldlie ſpake to *Valentinian*, haue been ſutable to the Pope, or any ſupreme Head Eccleſiaſticall: *VVhen didſt thou heare, ô moſt Clement Emperour*, (Pope) *that any of the Laitie* (Clergie) *Iudged Biſhops in a cauſe of faith?* Much leſſe could theſe other words of S. AMBROSE haue been fitting a Pope or any ſupreme head Eccleſiaſticall: *A good Emperour* (Pope) *is in the Church, not aboue the Church.* Nor could S. AMBROSE haue denyed ſo peremptorily to deliuer a Church or Chappell to the Emperour, if he had deemed him ſupreme head of the Church: much leſſe could he haue alleadged that reaſon of his denyall: *To the Emperour Pallaces appertaine, to the Prieſt Churches*: for if the King be ſupreme Heade of the Church, then Churches pertaine to him as well as Pallaces.

Hoſius ſupra.

Ambroſ. ſupra.

15. But let vs heare another Father S. CHRYSOSTOME; pondering the audacious

Chryſoſt ho. 4 de

verbis Isaiæ. 2. Paral. 26. fact of King OZIAS (who in the pride of his power, victories, and former vertues, arrogated to him selfe the Priests office) hath these words: *Rex cum esset, Sacerdotij Principatum vsurpat. Volo, inquit, adolere incensum, quia iustus sum. Sed mane intra terminos tuos; alij sunt termini Regni; alij termini Sacerdotij.* *Being a King, he vsurpeth the power of Priesthood. I will (sayth he) offer incense, because I am iust. But stay within thy limits. Others are the bounds of the Kingdome, others of the Priesthood.* If then the King hath his limits prefixed, and contained within the Kingdome, it followeth that he cannot intermeddle him selfe as a superiour in Ecclesiasticall causes, but he shall passe his limits.

Chrysost. hom. 5. de verbis Isaiæ. The same Father in his next Homelie hath these words, which are worthy the marking: *Quanquam nobis admirandus videatur Thronus Regius ob gemmas affixas, & aurum quo obtectus est, tamen rerum terrenarum administrationem sortitus est, nec vltra potestatem hanc præterea quicquam habet Authoritatis. Verum sacerdoti Thronus in Cœlis collocatus est, & de cœlestibus negotiis pronunciandi habet potestatem.* *Although the Kings Throne seemes to vs worthy to be admired for the pretious stones, wherwith it is beset, and the gould, wherwith it is couered, yet the King hath only the administration of terrene things, neither hath he beyond this power, any further Authoritie. But to the Priest a throne is placed in Heauē, and he hath power to pronounce sentēce of heauenly businesses and affaires appertaining vnto heauen.*

16. Tenthlie, I proue this veritie by the Argu-

Arguments wherwith in the former Chapter I haue prooued that Kings Christian, by baptisme are made subiects of the Church, as much as is the lowest Christian; and that not onlie Popes, but inferiour Bishops haue challenged superiority ouer them; which also Princes from the beginning haue euer acknowledged. For if Princes in matters Ecclesiasticall be subiects to Bishops and especiallie to the Chiefe Bishop, they can not in that kind be heads and superiours to Bishops.

17. *Lastlie*, I prooue this by out Aduersaries confession, which is an argument *ad hominem* of no little force, because none is presumed to lie against him selfe. CALVIN pronounceth thus of HENRIE *the eight* his supremacie: *Qui initio tantoperè extulerunt* HENRICVM *Regem Angliæ, certè fuerunt homines inconsiderati: dederuut enim illi summam rerum omnium potestatem, & hoc me grauiter semper vulnerauit. Erant enim blasphemi, cum vocarent eum Summum Caput Ecclesiæ sub Christo. They who in the beginning did so much extoll* HENRIE *(the Eight) King of England, were men inconsiderate, for they gaue him supreme power of all thinges, and this did alwayes much aggreue mee. For they were Blasphemous, when they called him supreame Head of the Church vnder Christ.* This was the opinion of CALVIN, which is not to be contemned of our Protestants, who follow him as an Oracle in other, and those verie manie points. And to him haue subscribed our *Puritans* in England,

Calu. in cap. 7. Amos.

land, and the Brethren of *Heluetia*, *Zurich*, *Berne*, *Genena*, *Polonia*, *Hungarie*, and *Scotland*, who all denie this ſupremacie of Kings in Eccleſiaſticall cauſes. Yea our Proteſtants them ſelues, whilſt they ſeeke to auoid the abſurdities, which aboue I haue produced againſt this ſupremacie, and which Catholickes haue obiected, do in effect deſpoile the King of all ſuch Authoritie.

Becanus in Diſſid. Angl.

19. For firſt, as BECANVS hath tould them, they are not agreed whether his Authoritie should be called *Primacie*, or *Supremacie*: nor whether he should be ſtiled *Primate*, or *Souereaine*, *Head*, or *Gouernour*. SALCLEBRIDGE calles the King *Primate of the Church of England*: Doctour ANDREWES calles his Authoritie *Primatie*; and yet TOMSON will not haue this authoritie called *Primacie*, but *Supremacie*, becauſe the former word argueth a power Eccleſiaſticall, and of the ſame order with that, which Prelates of the Church haue; the laſt word he ſaith, ſignifieth not ſo much. And againe he will not haue it called *Spirituall Authoritie*, but *Authoritie in reſpect of Spirituall things*; and he addeth that *the King gouerneth Eccleſiaſticall things, but not Eccleſiaſtically*. And yet SALCLEBRIDGE ſaith, that *Kinges annointed with ſacred oyle* (what will he then ſay of Kings that are not annointed?) *are capable of Spirituall Iuriſdiction*. And wheras at the firſt by the Parlament anno Domini 1543. in the yeare 35. of HENRIE *the eight*, it was decreed, That the King should be called

Salclebr. pag. 140.
D. And. in Tort. pag. 90.
Tomſon pag. 33.
Tomſon. pag. 31.
Idem pag. 95.
Salcl. pag. 305

called *supreme head of the Church*, and that also vnder paine of highe Treason; yet now TOOKER, and BVRHILL will not haue the King called *head of the Church*. And so in deed Queene ELIZABETH in the First Parlament, chose rather to be *Gouernesse of the Church*, then *Head*. *Poulton in his statute. Tooker. pag. 3. Burhill. pag 133.*

20. And as these men varie in the name, so do they in the Power and thing it self. TOOKER saith, The King hath and can giue, and take away all Iurisdiction Ecclesiasticall in the outward court. SALCLEBRIDGE sayth, the King can dispense in pluralitie of benefices, and can licence a Bastard to take holie orders. D. ANDREWES sayth, hee hath all externall Iurisdiction but Censures; yet BYRHIL denyeth him all Iurisdiction Ecclesiasticall, both in the inward and outward Court. SALCLEBRIDGE sayth the King can giue Benefices, create and depose Bishops: and yet TOOKER sayth he can only nominate and present. BVRHIL denyeth the King Authoritie to excommunicate, yea he sayth he may bee excommunicated. And the same doth also D. ANDREWES and TOOKER maintaine. But what a supreme Head is he, that can not cut of by excommunication an infecting, and infected member? What a Pastour, that cā not cast out an infected sheepe by Excommunication? And if he can not excommunicate, but rather may be excommunicated, it argueth, that he hath a superiour, who can exercise Ecclesiasticall Iu- *Tooker pag 305. Saltlebr. pa. 140. D. And. apud Tooker pa. 305. Bur. pa. 234. Salcl. pa. 121. Took. pag. 36. Bur. pag. 137. & 242. Took. pag. 15. D. And. pag. 151.*

risdiction ouer him, and so he is not supreme Head of the Church. Wherfore Catholicks, as they acknowledge the Pope supreme Head, so they say he can not be excõmunicated by any. SALCLEBRIGE sayth, that it is clearer then the sunne, that Princes haue determined controuersies of faith in 8. Councels: and yet TOOKER, as also D. BILSON, D. ANDREWES, and D. FIELD (as wee shall see anone) will not haue the King called superiour in matters of faith.

Salcl. pag. 136.

Tooker pag. 50. Bilson & cateri infra citandi.

21. After this doubting and varying, they proceed to a flat denyall of the foresaied supremacie. D. ANDREWES hath taken a great part of the Supremacie from the King; for he confesseth, that the Emperour hath no Imperiall right to diuine things. These be his words: *Non est in ea, quæ diuina sunt; Imperiale, sed neque Pontificale ius vllum. Ther is not (in the King) any Imperiall, no nor Pontificall right ouer diuine thinges.* He addeth, that the King hath no right to dispose of Churches, which yet King HENRIE *the* 8. challenged and practized to the ruine of tenne thousand Churches in one yeare; For thus sayth D. ANDREWES: *At illa diuina hîc quæ tandem? Aedes, Templa, Basilica, neque verò in ea, quæ ita diuina sunt, Rex noster vllum sibi ius vendicet.* And a little after he sayth: *That the King is no Iudge in a cause or matter of faith.* And in the next page he seemeth to affirme and prooue out of the Councels of *Constantinople, Antioche,* and *Carthage,* that the King is not to be Iudge in the causes of

In Tortura Torti pa. 170.

Ibid. pa. 171.

Pa. 172.

Bishops

Bishops. And the page next after that; *In sacramentes the King hath neither supreame, nor any power at all.* And besides all this he addeth, that *he cannot excommunicate*: *Nos Principi* (say th he.) *Censuræ potestatem non facimus. VVe do not graunt the Prince or King any power to excommunicate &c.* D. Bilson saith plainlie, that the King hath Authoritie ouer the Persons of the Church, but not ouer the things of the Church, to wit, ouer the persons of the Bishops, but not ouer faith, Sacraments, materiall Churches, and such like. Which yet I see not how it can stand together; for if the King be supreme Head, not only ouer the Kingdome, but also ouer the Church, that is, of the persons of the Church; then as, because he is supreme Head of the Kingdome, he can command his laye subiects in temporall matters, as to paie Tribute, to obey temporall lawes &c. so if he be supreame Head of the Church, and hath Authoritie ouer Clergie men, as Clergie men, he can command euen Churchmen in Ecclesiasticall matters, and can call Synodes, determine controuersies of faith in them, enact Ecclesiasticall lawes, and bestowe Ecclesiasticall Benefices; and so he shall haue Authoritie, not onlie ouer the persons, but also ouer the things of the Church. And therfore as he that should say, that the King for the necessarie good of the Common VVealth, cannot dispose of the Temporalities of the Realme, should in effect make him

Pa. 173.

Pag. 151

Bilson in his true difference, pag. 171. & 172. *par.* 2.

him no King; ſo Bilson in ſaying, that the King hath no Authoritie ouer the ſpirituall things and graces of the Church, makes him no Head of the Church, nor ſuperiour ouer Church men, as Church men. For if the King be Head of the perſons of the Church, he can command them as his ſubiects; And then I demand of Bilson, in what things he can command them? If in temporall thinges onlie, as to paie Tribute, to go to warre &c. then is he King only of the Common wealth, but no Head of the Church: If in Spirituall things, as adminiſtration of Sacraments, deciſions of matters of faith in Councels &c. then hath he the adminiſtration of ſpirituall things, and hath authority, not only ouer the perſons, but alſo ouer the things of the Church. But I neede not wreſt this frō Bilson by force of Argument: for he no leſſe plainely confeſſeth that the King is no Head of the Church. Theſe are his wordes. *VVe confeſſe Princes to be ſupreme Gouernours, that is, as we haue often told you, ſupreme bearers of the ſword, which was firſt ordained from aboue, to defend and preſerue as wel godlines and honeſtie, as peace and tranquillitie amongſt men. We giue Princes no power to deuiſe or inuēt newe Religions, to alter, or chaunge ſacraments, to decide or debate doubtes of faith, to diſturbe, or infringe the Canons of the Church.* Thus he. VVherby we ſee firſt how he derogateth from that authority, which King Henrie the 8, and Queene Elizabeth challēged, and

Bilſon par. 2, pag. 240

the

the former Parlament approoued, for by that authoritie King HENRIE *the* 8. exiled all the Popes authoritie, forbad all Appeales to *Rome*, contrary to the ancient Canons, disposed of Abbaies, and Churches without the Popes authority &c. And by the same authoritie Q. ELIZABETH chaũged the sacraments, and all the whole face and hew of religion, and forbad Councels to be called, or any thing in them to be decided without her consent. *Secondlie* we may see also herby, how BILSON maketh the King no supreme Head, yea no head at all of the Church, but only a Protectour and defender therof: which Title all Catholikes graunt to Kinges, acknowledging that the King is to defẽd the Church, to assist her by his temporall sword and Authoritie, that shee bee not hindred in calling Councels and administration of the Church, yea and to punish heretikes condemned by her, and deliuered vp to secular power. And no more doth BILSON graunt. And so he denying the Prince to be head of the Church, and graunting him to be only a protectour and defender, is guiltie of high treason.

22. Doctour FIELD also in effect denieth this authority to the King: for he distinguisheth things merelie Spirituall in this manner: Either (sayth he) *the power in these things is of order, or of iurisdiction; the power of order consisteth in preaching the worde, in ministring Sacramẽts, and ordaining ministers; and in these things,* saith

D. Field. lib. 5. de Eccles. cap. 53.

ſaith he, *Princes haue no Authoritie at all, much leſſe ſupreme authority. The power of iuriſdiction ſtandeth in preſcribing lawes, in hearing, examining, and iudging of opinion in matters of faith, and things pertaining to Eccleſiaſticall order, and Miniſterie, and due performing of Gods ſeruice; and in theſe the King can only by direction of the Clergie, make penall and temporall lawes for the Execution of Bishops lawes and Canons.* Thus he. But to omitt how aptlie D. FIELD annexeth preaching to the power of order, which may be exerciſed with licence of the Bishop, by one that hath no Orders at all; to omitt alſo how he can poſſiblie diſtinguish the powers of order ād Iurisdiction, he, and his Doctours denying all Caracters, and making ordination nothing elſe but a meere deputation to ſuch an office: I auerre that D. FIELD in this contradicteth the former authority, which was giuen by Parlament to King HENRIE *the Eight*, and King EDWARD his ſonne, and Queene ELIZABETH his Daughter, as may appeare plainlie by the actes of Parlament aboue alleadged; and he maketh the King no *Supreme Head of the Church*, but onlie an Aſſiſtant, Protectour, and Defendour therof, as I haue shewed againſt D. BILSON.

Vide Sairum lib. 4. de Cenſuris cap. 16. num. 21

23. Wherfore the Catholicks of England haue iuſt cauſe to complaine of ſeuere dealing towards them; who many of them haue bene condemned to *Premuniries*, and cruell deathes for denying the *ſupremacie* of the Prince in Spirituall cauſes, of which nor-

notwithstanding the learndest of the Ministerie make such doubt and question, as we haue seene, yea denie it in plaine termes. For if that care had bin had of the Kings Catholick subiects, which their number, antiquitie, and loyaltie seemed to require, this question of the *Supremacie* should haue bene better discussed, and more maturely resolued, before the Ministers should haue preached it as necessarie to be beleeued, and before Catholicks should haue been so seuerelie handled for denying it, their own Doctours now varying so much, as we haue seene, about the very name, and thing it self, and some of the learndest amongst them, denying it as flatly as any Catholick can do.

24. Remember then, O Kinges, Princes, and Potentates of the earth, what is belonging to your so high an office. *Et nunc Reges intelligite, erudimini qui iudicatis terram*; *And now ô Kings vnderstand your office, informe your selues, ô you that iudge the earth, what belongeth vnto you.* You are Iudges of the earth and Common wealth, you are not to meddle with the Church, which is called, *Regnum Cœlorum*, *the Kingdome of Heauen*. You are, as Esaye calleth you, *Nurcing Fathers*, but no Gouernours of the Church; you are Protectours, and Defendours, and Assistants, obliged by scepter and sword to assist her, and to punish her Rebelles at her direction. You are subiects, no Superiours; sheepe, no Pastours; Infe-

Psal. 2. *An exhortation to Princes.*

Mat. 13

Isa. 49.

riour

riour members, no Heads; and your greateſt honour and ſafetie is to ſerue, not to rule the Church, to defend, not to inuade her rightes. Harken, ô Princes, to that holſome counſell, which AZARIAS the High Prieſt gaue to King OZIAS, who would be medling with the Prieſts office. For when he being puffed vp with pride of hart, tooke vppon him to offer Incenſe in the Temple, and on the Altar of Incenſe, AZARIAS matching his Kinglie pride with a Prieſtlie Zeale, followed him at his heeles, accompanied with foureſcore Prieſts, and followed him (ſayth S. CHRYSOSTOME) *non vt Regem eiecturus, ſed vt profugum & ingratum filium expulſurus; not as though he were to caſt out of the Temple a King, but a Runnegate and vngrateful ſeruant*, Followeth him as an eagre Maſtiffe doth the beaſt to chaſe him out of his Lord and Maiſters howſe: and as one that tooke no care of the Kings threatning, feared neither his Garde, nor his Regalitie, nor his golden crowne, nor his Kinglie ſcepter, nor his ſterne lookes and Maieſtie, but with an vndaunted courage, with a Conſtant countenance, and a free voice, that neuer had learned how to flatter, he telles him as plainlie, as trulie: *Non eſt tui officij, OZIA, vt adoleas Incenſum Domino, ſed ſacerdotum, hoc eſt, filiorum Aaron, qui conſecrati ſunt ad huiuſmodi Miniſterium; egredere de ſanctuario, ne contempſeris, quia non reputabitur tibi ad gloriam hoc à Domino Deo: It is not thy office, OZIAS, to burne Incenſe to our*

2. Paral. 26.

Ioſeph. l. 9. Ant. cap. 11.

Homi. 5. de verbis Iſaiæ.

2. par. 26

our Lord, but of the Priests, that is, of the Children of Aaron, which are consecrated to this kinde of Ministerie: Go out of the sanctuary; contemne not: because this thing shall not be reputed to thee for glorie, of our Lord God. Vide (sayth S. Chrysostome) *libertatem; vide mentem seruire nesciam; vide linguam cœlos attingentem; vide libertatem incoercibilem; vide hominis Corpus, & angeli mentem; vide humi ingredientem, & in Cælo versantem? Behould the freenesse and plainesse of a Priest; behould a minde that neuer knew how to be seruile; behould a tongue that is heard to Heauen; behould an vnrestrained libertie; behould the bodie of a man, the mind of an Angell; behould one treading on the ground, yet conuersing in heauen.* Let me, ô Christian Princes, a Priest, not of AARON, but of Christ, vse the like libertie against you, that inuade the Churches right, and arrogate Priestlie dignitie. It is not thy office, ô King, ô Prince, to meddle in Church matters, or gouernment of the Church, but it is the office of Priests and Prelates consecrated and ordayned for that purpose. Dareth a Prince once offer to meddle in the Churches gouernment? to sitt as Iudge in her Synodes? to pronounce sentence in her tribunals? to prescribe seruice in her Temples? Depart, ô King, whosoeuer thou art, that art thus hardie, depart out of the sanctuary, command no more in the Church, if thou wilt command long and prosperouslie in thy Kingdome. Depart, I say, this is no place for thee. Contemne not my Counsell, least thou paie for thy con-

Hom. 4. de verbis Esaiæ.

tempt, and be ſtricken with a leproſie in thy forehead for ſuch impudencie. It is no glorie for thee, ô King, to meddle in Church matters. It is a glorie indeed, and as much greater then the office of a King, at it is more to gouerne ſoules then bodies, and to menage ſpirituall then temporall affaires: But it is no honour to a King, neither will it euer turne to the proſperitie of him, or his Poſteritie. All the Auncient Kings, yea and Emperours alſo, ſo mightie in Armes, ſo rich in Treaſure, ſo glittering in their Crownes, Scepters, purple, and pretious ſtones, ſo fortunate in VVarre, ſo glorious in Victories, neuer dreamed of ſuch ambition, but thought it their honour to be defendours, not rulers of the Church, ſubiects in Spirituall matters, no Paſtours, Children no Fathers, Inferiour members to the Church, no ſupreme Heads, and therfore ſubmitted their ſcepters to the Paſtorall ſtaffe, their Crowne to the Mitre, their Temporall ſwords to the ſpirituall glaiues, their lawes to the Canons, their Kingdomes to the Church, their perſons to the Prieſts. And ſhall now a King, & a Chriſtian King arrogate Eccleſiaſticall authority? If he will raigne long ouer his ſubiects, let him permitt the Churches rule, and command ouer him. If he will haue God for his Father, let him acknowledge the Church for his Mother, him ſelf a ſonne, no Father, a ſubiect in this kinde, no ſuperiour.

Har-

25. Harken, ô King, whosoeuer thou art that arrogatest Ecclesiasticall Iurisdiction or encroachest vpon the Churches right and demaines, vnto S. AMBROSE his Counsell, which he gaue to VALENTINIAN the yonger. *When diast thou heare. O most Clemẽt King, that laymen were Bishops Iudges in matters of faith, and Church? do not trouble thy self, as to thinke that thou hast any Imperiall right in diuine matters: Giue to God and his Church and Pastours, what is due to them, if thou wilt that thy subiects giue to thee, what belongeth to thee ô King.* Giue eare ô King to graue HOSIVS his speech; *Leaue of, O King, to intermeddle in such matters; remember thou art a Mortall Man, a King, no Priest, and reserue thy selfe pure and free from such audacious attemptes; command not Priests in Ecclesiasticall matters, but rather learne such things of them, ô Potentate, ô Prince, ô King.* Harken to AZARIAS Counsell, which he gaue to King OZIAS: *It is not thy office, ô King, to burne Incence to our Lord*; or if thou contemne AZARIAS his Counsell, feare OZIAS his leprosie. If thou wilt arrogate the Office of AARON; take heed least with *Chore, Dathan*, and *Abiron*, the earth deuoure thee or the fire cõsume thee. If thou wilt robb the Treasure of the Temple, take heed the Angell of God scourge thee not with *Heliodorus*. If thou wilt spoile the Temple and kill the people of God, with *Antiochus*; If thou wilt destroy the Temple, with *Nabuchodonosor*; vse prophanelie the holy vessels with *Balthasar*; pro-

Supra est atum pag. 143

Ibidem.

Nu. 16.

2. Mac. 3.

2. Mac. 9.

phane the ſaid Temple with *Pompey* and others, ſeare their infamous and miſerable ends, knowing that there was neuer King nor Emperour, that rebelled againſt the Church, or perſecuted her, eſpecially ſince Chriſts time, and ſince he ſhed his bloud for her, that hath not had ſome miſerable end or other.

a *Zonar. & Cedr. in eius vita. Rhegino lib. 1. Chron. an. 518. Martin. Polon. in Anaſt.*

26. And to omitt thoſe Pagan Perſecutours, *Nero*, *Domitian*, *Dioclesian*, *Maximinian*, *Iulian*; and others; *a* ANASTASIVS the firſt Emperour of that name, for reſiſting the Pope, for fauouring the Arrian hereſie, and for diſdaining to receaue, or to admitt to his ſight the legates, whom HORMISDA Pope ſent to him, was ſodainlie with a Thunderbolt, leueled at him from heauen, ſtricken to death. *b* MAVRITIVS for his inſolencies againſt S. GREGORIE, was driuen out of his Empire, chaſed into an Iland, where by *Phocas* commandement, himſelfe, his wife, and children were miſerablie ſlaine. *c* IVSTINIAN after many glorious victories, fell into a moſt hard fortune for his hereſie and tyrannie againſt VIGILIVS Pope, was infeſted on all ſides with the Incurſions of the Barbares, and at length by an inuiſible blowe reached him from God, periſhed moſt miſerably. *d* BELISARIVS Iuſtinians Generall ouer his Armies, to whome he was ſo deare, that his pourtraict was printed in the one ſide of Iuſtinians Coyne, with this Title, *Beliſarius Romanorum*

b *Theop. Miſcel. lib. 17. Cedrē. in Annal. Niceph. lib 18. c. 8. & ſeqq. & aly omnes.*

c *Procop. lib. 2. de Bello Goth. Nicep. li. 17. c 31. Vide Baron. to. 7. an. 565.*

d *Baron. tom. 7. an. 561.*

manorum decus, Belliſarius the glorie of the Romans, for his moleſtation of SILVERIVS, to gratifie therby THEODORA the Empreſſe, had, for ſuſpicion of conſpiracie againſt IVSTINIAN, his eyes pulled out, was deſpoiled of all his dignities, and forced in fine to begg. *e* PHILIPPICVS for his contempt of CONSTANTINE Pope, and propagating of hereſie, was depriued of his Empire and his eyes alſo. *f* CONSTANS for perſecuting THEODORVS Pope, and violently carying away Pope MARTIN from Rome, was ſlaine in a bathe, *g* IVSTINIAN the ſecond for infringing the *Eight Synod*, and moleſting of SERGIVS Pope who refuſed to conſent to his hereſie, was depriued of his Empire, and beſides that, of his noſe and tongue. *h* HENRIE *the Fourth* Emperour excommunicated and depoſed by GREGORIE *the ſeuenth*, as we haue ſeene, was by his owne ſonne perſecuted, holden in priſon, and at length made a miſerable end out of his owne Countrie. *i* FREDERICK *the firſt* was drowned miſerablie in a riuer of Armenia, for punishment of the ſchiſme he raiſed againſt ALEXANDER Pope, as our NEVBRIGENSIS recordeth. *k* FREDERICK *the Second*, after he was excommunicated, and depoſed by INNOCENT the Fourth Pope of that name, was ſtrangled by his owne ſonne, and dyed without Sacraments. *l* PHILIP le BEL King of France after he was excommunicated and depoſed by BONIFACE *the Eight*, neuer

e *Cedr. in Anna. Paul. Diac. li. 20. rerũ Roman. Baron. tom. 8. an. 713. Anaſt. in Vital. Baro. an. 668. Paul. Diac. lib. 19 rerũ Rom.*

g *Faſcic. Temp. in Iuſt. 2. Martin. Pol. in Iuſt. 2.*

h *Baron. tom. 11. an. 1080.*

i *Neubr. li. 4. c. 13 Palmer. in Chrõ. an. 1189*

k *Faſcic. Temp. in Frider. 2 Matt Weſtm. an. 1245*

l *Geneb. lib 4. Chron. anno 2294. in Bonifacio 8.* neuer prospered as *Genebrard* l a Frech man writeth. And after that BONIFACIVS was taken vnawares by the deceipts, which PHILIP vsed, a holy Bishop said: *The King is glad he hath* BONIFACE *Pope in holde, but no good thereby will happen to him and his posteritie*; which Prophecie saith m *Genebrard*, was shortlie after fulfilled, for the King perished by reason of a Boare, that rushed betwixt his horses legges; three of his sonnes, that raigned after him, dyed one after another in a short space; their Queenes dishonoured them with their infamous adulteries; and the Issue of PHILIP fayling, the contention betwixt our EDWARD *the third*, sonne of the Daughter of PHILIP *le Bel*, and PHILIP *de Valois* the sonne of CHARLES *de Valois*, PHILIP *le Bel* his brother, arose, which contention cost *France* verie dearely. And, to spare our times, as God threatned by his Prophet, that *the Kingdome, that shall not serue the Church, shall perish*, (as we see all *Greece* is lost by their heresies and schismes against the Romane Church, and *England*, *Germanie*, and *Holland*, and other Countries, know not what punishment hangeth ouer their heads) so whosoeuer shall obserue the course of times, and Histories, shall finde that few Princes haue long prospered, who haue persecuted the Romane Church and faith, or haue been by her excommunicated or deposed.

m *Genebr. lib 4. Chron. anno 1315.*

Isai. 60.

26. Wherfore Kings and Princes that contemne

contemne and deſpiſe the Church, remember you are Men, and that your Kingdome is ſubiect to a higher ſtate of the Church. Feare her glaiue, that ſtriketh euen the ſoule and ſpirit. And if you will raigne long and proſperouslie here, imitate thoſe *Conſtantines, Martians, Theodoſius, Pipins, Charles the Great, Lewis*, and others, who were more glorious for amplifying the Churches Immunities and Demaines, then for extéding their Empire; more renowned for the Churches and Monaſteries they founded, thé for the Cities and Caſtels they builded; who by obeying, honouring, and enriching the Church, ſtrenghtned and enriched their Kingdomes, and haue proſpered in all their warres and battailes. But I will end with S. BERNARDS Counſell, which he gaue to CONRADVS King of the Romanes, deſiring all Chriſtian Princes to followe it: *Legi quippe: Omnis anima Poteſtatibus ſublimioribus ſubdita ſit &c. Quam tamen ſententiam cupio vos, & omnimodis moneo cuſtodire in exhibenda reuerentia ſumma & Apoſtolicæ ſedi: I haue read indeed: Let euerie ſoule be ſubiect to higher powers, and he that reſiſteth the power, reſiſteth the ordinance of God, which ſentence not withſtanding I deſire, and by all meanes warne you (ô Princes) to keepe by exhibiting reuerence to the higheſt, and Apoſtolicall ſeat.* *Bern. ep. 183. ad Conrad. Regem Romam. Rom. 13.*

Chapter VII.

Although the Pope *be not direct Temporall Lord and Superiour of the world, nor of any part therof, by Christs expresse guift and donation, but only of the patrimony of Saincte* Peter *giuen him by* Constantine the Great, *and other Catholicke Princes, and confirmed by the consent of the Christian world: yet by the spirituall power, which Christ gaue him in his predecessour* S. Peter. (Io 21.) *he may dispose of temporall things, and euen of Kingdomes, for the good of the Church, and Conseruation of her, and her faith & right: and the manner how, and in what case, he can thus dispose of temporalities, is explicated.*

1. HAuing shewed by manie Arguments in the former Chapter, that the Prince neither hath any spirituall Authoritie, neither can by his Temporall power entermeddle him self as a Superiour in matters Spirituall and Ecclesiasticall: It remaineth that we discusse and examine whether contrarie wise the Pope haue any temporall power, or can by his Spirituall power dispose of temporall things. A thing,

thing, I confesse, odious to some Princes, who can hardly brooke it, that you should meddle with their Crownes and Regalities, thinking their Crownes so fast sett on their Heads, that none but God can plucke them of, and imagining they holde their scepters so fast, that none vnder God can wrest them out of their hands. But yet this question is odious only to such as sett little by the Churches Authoritie, or at least, preferre the state before Religion, and the Temporall aduancement of the Common wealth, before the Spirituall good of the Church: for otherwise, as guiltie malefactours only crie out of the Princes lawes & Tribunals, good subiects embrace and reuerence them; so those Princes only, whose consciences accuse them of some disloyaltie towards the Church, or who desire to preferre their owne wils before the Churches commandement, or to extend their Empire with encroaching on her Demaines, and to rule so independentlie, as they may not be controlled; such Princes (I say) can not abyde to heare of any Authoritie in the Pope, or Church, which may restraine them. Other Kings, who counte it their honour to be obedient Children of the Church, and who desire not to raigne ouer their subiects, but so as God, and his Church may raigne ouer them, are content, that this opinion of the Popes authoritie be taught in schooles, and

published in printed bookes. And therfore of late his Catholike Maieſtie with three Bishops of his Counſell, and the Inquiſition of *Spaine* authorized the printing and ſetting forth of a booke of this ſubiect, compoſed by a learned Diuine *Franciſcus Suarius*, & intituled, *Defenſio fidei Catholicæ & Apoſtolicæ, aduerſus Anglicanæ ſectæ errores, &c.* in which the Authoritie of the Pope in depoſing Princes, who by their tyrannie againſt the Church, make them ſelues vnworthy of their honourable roome and place, is largelie and learnedlie defended and prooued.

2. I confeſſe that the Popes Temporall Authoritie, which he hath in ROME and ITALIE, proceeded not from the immediat guift of CHRIST, but rather commeth to him by the *a* Donation of CONSTANTINE, PIPIN, CHARLES *the Great*, LEWIS *the Godlie*, and other Princes, as is teſtified partlie by the Canon law, partlie by the Actes of SILVESTER, partlie by other auncient writers. I graunt alſo, that Chriſt made him no temporall Prince, but only Paſtour of the Chriſtian world: For although many *b* Canoniſts affirme, that the Pope is Temporall Lord of the whole world; yet *c* Diuines ſtand againſt them in this point, and not without

a Cap. Cõſtantinus d. 96. c. Ego Ludouic. d. 63. ca. ſuturam 12. q. 1. Naucler. gen. 13. Magd. Cent. 4. c. 7. Petr. Damian diſp. cum Reg. Adnoc. Anſelm. li. 4 c. 32. Iuo Carn. p. 5. Decr. cap. 49. Genebr. lib. 3. Chron. Abrahã Leuita in ca. 11. Dan.

b Oſtienſ in cap. quod ſuper his, de voto & voti Redemp. Anton. 3. p. tit. 22. cap. 5 §. 13. Silu. V. Papa. & V. Legitimus. c Henr. quodlib. 6. q. 23. Turrecr. lib. 2. Summa. cap. 113. Caiet. tom. 1. Opuſc. tract. 2. cap. 3. & 2. 2. q. 43. art. 8. & paſſim recentiores.

without good reaſon : For looke what power the Pope hath by Diuine right, he hath from the Apoſtles; And ſeing that CHRIST made his Apoſtles Paſtours, not Princes, and gaue them a Church to rule, not a Kingdome, beſtowed on them the Keyes of heauen, not of Cities, gaue them power to bind and looſe the ſoule, not the bodie, to teach and baptize all Nations, not to ſubiugate them; and built his Church vpon an Apoſtle, not vpon any King or Prince : It followeth euidently, that the Pope by Chriſts donation, hath no title to Kingdomes and Empires.

Epheſ. 4. Ioan. 21 Mat. 16. Mat. 18. Act. 20. Mat. 28.

3. True it is that many Diuines, and thoſe alſo of note, are of opinion that Chriſt as man, was Temporall King ouer all the world, which is the expreſſe opinion of S. [a] *Antonine*, [b] *Almainus*, [c] *Turrecremata*, [d] *Oſtienſis*, [e] *Durand*, [f] *Nauar*, and others: which they alſo prooue out of diuers places of ſcripture, as Apoc. 1. *Princeps Regum terræ. Prince of the Kings of the earth.* Apoc. 19. *Rex Regum, & Dominus Dominantium. King of Kings, and Lord of Lords*: Act. 10. *Hic eſt omnium Dominus. This is Lord of all.* Pſalm. 8. and Heb. 9. *Omnia ſubiecisti ſub pedibus eius. Thou haſt ſubiected all things vnder his feet.* Matt. vlt. *Data eſt mihi omnis poteſtas in Cœlo & in terra. All power is giuen to me in heauen and in earth.* Yet moſt Interpreters expound theſe places, as meant of Chriſts ſpirituall and Prieſtlie Power, by which he was ſpirituall King of the world.

[a] *Anton. 3 p. tit. 3. cap. 2.*
[b] *Almai. tract. de poteſt. Ecc. c. 8.*
[c] *Turrec. lib. 2. Summæ. cap. 116.*
[d] *Oſtienſ. in cap. quod ſuper his, de voto & voti redemp.*
[e] *Duran. tract. de Iuriſd. Eccl qu. 43.*
[f] *Nauar. in cap. Nouit. de Iudiciis. not. 3. n. 8. & 130.*

And

And though it be verie probable, (as the
1.Vasq. 3 Learned Vasquez sheweth) that Christ in
p.disp. deede as man was Temporall King of the
87.ca.3. world, and had that Regall dignitie, not by election or descent, but only by Hypostaticall vnion, which did so eleuate, and dignifie his humane nature, that it gaue him Authoritie euen as man ouer all the Kings of the earth, by which he might haue commanded them euen in Temporall things, and might haue depriued them of their Crownes: Yet this it not so certaine, because many Diuines also holde, that Christ, as man, was no Temporall King. But howsoeuer, all allmost do agree, that Christ neuer vsed any Regall power, nor did actually raigne as King ouer any Countrie, much lesse ouer all the world. And therfore he
Ioan. 18 sayd: *Regnum meum non est de hoc mundo: My Kingdome is not of this world*. Because although his spirituall Kingdome, the Church, be in this world, yet it is not of this world, in respect of the spirituall authoritie and graces of the Church, which are from heanen. And although it be probable, that he had Kinglie authoritie, which is called. *Ius regnandi, A right to raigne*, by which he might haue raigned, and ruled temporallie in the world; yet, as I haue said, he neuer actually raigned, neither did he exercise any Kinglie act of his Kinglie Power: and so hauing sayd that his kingdome is not of this world,
Ibidem. he giueth a reason thetof saying: *Si enim ex*

hoc

hoc mundo esset Regnum meum, ministri vtique decertarent, vt non traderer Iudæis: For if my Kingdome were of this world, my Ministers verily would striue that I should not be deliuered to the Iewes, Which is a good reason, if you vnderstand by his Kingdome the actual exercise of his Kinglie authoritie: for otherwise, one may be a true King in respect of his right, (as Kings driuen by force out of their Kingdomes are) and yet haue no souldiers, nor ministers, to fight for them. I know *Ioan. 2* some Authours contend, that he did actually exercise the Temporall power of a King, when with a whippe he chased buyers and sellers out of the Temple; yet that he did by the office of a Redeemer and Prophet, whose part was to correct sinnes and abuses. Others say, that he vsed Kinglie Authoritie when he cast the Deuils into the Hogges, and them, into the sea. *Matth.* 8. and when he withered the Figgetree. *Mat.* 21. & *Mar.* 11. Otherwise (saye they) he had done iniurie to the owners. But all this an other Prophet might haue done, though no King, much more CHRIST the Prophet of Prophets; and yet should he haue done no iniurie to the owner, seing that what Prophets do miraculously, they do by authority from God, who is supreme Lord ouer life, goods, and all. And because CHRIST did not actually raigne, therfore Emperours and Kinges were absolute, and were not vicaires or delegates to CHRIST,

and

and CHRIST tooke neither crownes, nor ſcepters from them, according to that of the Hymne of the *Epiphanie*.

In 1. Veſp. Epiph.

Hoſtis Herodes impie,
Chriſtum venire quid times?
Non eripit mortalia,
Qui regna dat cœleſtia.
That Chriſt is come why doſt thou dread,
O Herode thou vngodlie foe?
He doth, not earthlie Kingdomes reaue
That heauenly Kingdomes doth beſtow.

4. And ſo although CHRIST were, euen as man, a Temporall King, yet he not actually raigning himſelf, it is not likelie that he ſhould giue any ſuch authoritie to S. PETER, and the Pope his ſucceſſour. And although hee had actually raigned himſelf, yet it is not neceſſarie that he ſhould giue that Authoritie to S. PETER; for hee had alſo the power of Excellencie, by which he might command euen Infidels not baptized, and by which he inſtituted a Church, Sacraments, and a Prieſthood, which S. PETER, and the Pope his Succeſſour can not doe. Certes none can denie, but that CHRIST might haue giuen S. PETER ſupreme Iurisdiction ſpirituall ouer the Church without Temporall, becauſe as ſpirituall power is not neceſſarily annexed to the Temporall, as I haue proued in the former Chapter, ſo Temporall power is not neceſſarily ioyned to the ſpirituall; and therfore ſeing that neither the law of God,

nor

nor Nature, nor man giueth any ſuch Temporall Iurisdiction to the Chiefe Paſtour of the Church, why should either he challenge it, or we giue it him? eſpeciallie it being a thing verie inconuenient, and odious, that either the Church, or her Chiefe Paſtour should haue any ſuch Temporall power. For if it were ſo, that the Church or her ſupreme Paſtour had any ſuch ſouereintie, it would deterre all Pagan Kings, and Princes from our Religion, fearing leaſt the Church by her abſolute Authoritie, might depriue them of their Kingdomes, Crownes, and Scepters at her pleaſure. And hence it is, that the Popes them ſelues confeſſe, that they haue no Imperiall, nor Kinglie Authoiitie giuen them by CHRIST, but rather that theſe two powers are in diſtinct ſubiects. So NICHOLAS Pope ſayth. *Cum ad verum ventum eſt, &c. VVhen it came to the vnderſtanding of the truth, neither did the Emperour take vnto him the rights of Bishop-like Authoritie, nor did the Bishop vſurpe the name of the Emperour; becauſe the ſame Mediatour of God and men, man Chriſt* IESVS, *hath diſtinguished the offices of both powers by their proper and diſtinct dignities, as that Chriſtian Emperours for attaining eternall life should neede bishops, and Bishops should vſe the Imperiall lawes for the cauſe onely of temporall things.* And S. BERNARD: *Nam quid tibi aliud dimiſit Sanctus Apoſtolus? quod habeo, inquit, tibi do &c. VVhat other thing did the holie Apoſtle leaue vnto thee? what I haue (ſaith hee)*

Ca. cum ad verũ, d. 96. Vide ſupra pa. 66. et pag. 78.

Bern. li. 2. de Cõſid. ca. 6.

her) I giue thee. What is that? One thing I know, it is neither gould nor ſiluer, ſeing that he ſayth, gould and ſiluer is not with mee. Bee it that by ſome other way thou maiſt challenge this vnto thee, yet not by Apoſtolicall right, for he could not giue thee that which he had not. What he had he gaue, ſollicitude (as he ſayd) ouer the Churches. Did he giue thee rule and domination? not ouer-ruling the Clergie, but made example of the flocke, and dooſt thou thinke this to be ſpoken onlie out of humilitie, not in veritie? the voice of our Lord is in the Ghoſpell: the Princes of the Gentils ouer-rule them &c. but it shal not be ſo amongſt you.

5. But although the Pope and Chiefe Paſtour of the Church hath no direct Temporall power; but only in his owne Temporall Patrimonie and Kingdome, by which he may diſpoſe of Kingdomes, Crownes, and ſcepters, yet he hath a Spirituall power, which may directlie, and ordinarilie diſpoſe of ſpirituall matters, and indirectlie, and in ſome extraordinarie caſe, of the Temporall alſo; that is, when it shall be iudged neceſſarie for the conſernation of the faith or Religion, or the Churches lawes, and right, or ſome other great and neceſſarie good. I ſay the Pope hath no direct power ouer Princes, for then he might limit their power, abrogate their lawes, and depoſe their perſons, at leaſt for ſome iuſt cauſe, though it did not concerne either faith, or the Churches right, or neceſſarie good, as the King can deale

deale with his Viceroy, and any of his ſubiects; and then Princes ſhould not be abſolute and independent, who yet, as aboue is declared, in Temporall matters, and ſo long as they exceede not the bounds of their authority, by commanding things contrary to Gods law, or the Churches Canons, acknowledg no Superiour in earth, neither Pope, nor Emperour, nor Common wealth. For as for the Emperour, all Princes who are not his Vaſſals (as the Kings of *Spaine*, *England*, and *France* are not) as they acknowledge him Superiour in dignitie, and therfore will, and muſt giue him the precedence, wherſoeuer they meete, yet they are not ſubiect to him, nor bound to obey him, vnleſſe it be when the Pope, the Chiefe Paſtour, and hee the greateſt Prince in dignitie, ſhall thinke it neceſſarie that all Chriſtian Princes contribute, or concurre for the defence of Chriſtendome againſt the Turke, or ſuch like Common enemie. As for the Pope I graunt that CHRIST gaue him no Temporall power at all (which aboue I haue prooued) for that Temporall power, which he hath in Italie, hee had not by Chriſts immediat graunt, but onlie by Conſtantines, and other Emperours and Princes donation, which donation ſuppoſed, and confirmed alſo by Preſcription, and his ſubiects, yea all the Chriſtian worlds conſent, that part of Italie, which he poſſeſſeth, is as trulie appertaining

ning to him, as *England* is to the King of *England*, *France* to the King of *France*, and *Spaine* to the King of *Spaine*; onlie the Pope cannot transfer his Kingdome to his Heyres, as they may, becauſe it cometh not to him in particular by hereditarie ſucceſſion, but onlie by election. Yea if the Pope were by the law of God a Temporall Soueraine Prince ouer all the world, other Princes should holde of him; and CONSTANTINES donation by which he made him Temporall Prince of *Italie*, had been no donation, but reſtitution. As for the Common wealth, I haue aboue declared how it hath deſpoiled it ſelf of all authoritie, and by translating it to the King, is trulie a ſubiect, and like a priuate perſon, and ſo hath no power ouer the King, vnles it be in caſe of intollerable Tyrannie, as aboue is explicated.

6. I ſay yet that the Pope hath an Indirect power ouer Kings euen in Temporall mattters, which power notwithſtanding is not Temporall but ſpirituall, nor any diſtinct power from his ſpirituall ſupremacie, but euen the ſelf ſame: And therfore GREGORIE *the Seuenth* in his depoſition of HENRIE *the Fourth* ſayth, that he *depoſeth him by the power he hath from* S. PETER *of binding and looſing*. And although his Paſtorall and Spirituall power, directly and ordinarily hath the menaging only of ſpirituall matters, and ſo directly and ordinarily exerciſeth it ſelf

in

in excommunicating, interdicting and ſuſpending frō Spirituall offices, calling Councels, and deciding controuerſies of faith in them, in making Eccleſiaſticall lawes, in giuing Authoritie to preach, to miniſter Sacramentes, and ſuch like; yet when it is neceſſarie for the conſeruation of this power, or of the Church, or faith (of which it hath the Charge) that it diſpoſe of Temporall matters, it can do that alſo: and ſo the ſame ſpirituall Authoritie which directlie, and as it were *ex prima intentione* ordaineth and determineth of Spirituall matters, dealeth alſo with Temporall affaires, not abſolutelie, but as they are ordained and neceſſary to the attaining of the Spirituall end, which is conſeruation of the Church and faith, and the ſoules ſaluation. But becauſe this power doth not reſpect Temporall thinges principallie and for them ſelues, but only ſecondarilie and as they are ordained to the conſeruation of the Spirituall good of the Church, it is ſayd indirectlie only, to reſpect Temporall matters: and for as much as it medleth not ordinarilie but in ſome extraordinary caſe with the ſaied Temporall matters, we may ſay that the Pope ordinarilie medleth with ſpirituall matters, and hath for his ordinarie glaiue and weapons, the Spirituall cenſures; but when they will not ſerue to defend the Churches neceſſarie right, then he may alſo vſe the Temporall ſword and pu-

nishment, becauſe the ſame Authoritie which handleth principallie, directlie, and *ex prima intentione* the ſpirituall glaiue, may alſo command and handle the Temporall ſword, When it is neceſſarie to the ſpirituall end; for then *gladius eſt ſub gladio*, as BONIFACE *the Eight* ſaid; *The Temporall ſword is ſubordinate, and ſubiect to the Spirituall*. And this is the common opinion which our moſt Illuſtrious Cardinall Allan the honour of our countrie holdeth and defendeth in his Anſwer to the libeller. Chap. 5. 6.

7. But this ſubiection of Temporall ſtates to the Spirituall power of the Pope and Church, may be diuerslie taken. *Firſt* it may be taken for ſubiection and inferioritie in the order of Dignitie only, and ſo all Authours agree, that the Spirituall power, is Superiour to the Temporall. *Secondlie* it may be vnderſtood of a Superioritie in Directing, not onlie by counſell, but alſo by Commandement, vnder paine of ſinne, and ſome ſpirituall mulct, as excommunication, ſuſpenſion, and Interdict: And ſo alſo all good and Catholick Authours, yea *Barclaye* and *VViddrington* confeſſe, that the Spirituall power, may not only direct by Counſell, but may alſo command the Temporall power, not to vſe the Temporall ſword or authoritie to the preiudice of the Church; and it may alſo correct and punish thoſe that refuſe to obey, by Spirituall penalties. *Thirdlie* it may be taken for a ſub-

Widdring. in Apol. n. 197.

a ſubiection, which importeth not onlie a ſubiection to the Commandement, but alſo to the diſpoſition of the Spirituall power; in which ſenſe the Pope and ſupreme Paſtour may be ſaid to haue Authoritie not only to command vnder paine of ſinne Chriſtian Princes to ceaſe from perſecuting or wrõging the Church, or to implore their ſword and Temporall Authorities and meanes, to the neceſſarie defence of the Church, but alſo if they refuſe, and contemne his ſpirituall Authoritie, and penalties, which he inflicteth vpon them, he may diſpoſe of their Crownes, Kingdomes, and Authoritie, and beſtowe them on ſome other, that ſhall do the Church better ſeruice, or at leaſt ſhall not wronge her, or do her that iniurie, with the which the Churches right and faith cannot conſiſt. And this Authoritie *Barclaye*, *VViddrington*, and ſome others, not only Hereticks & Schiſmaticks, but alſo who deſire ſtill to go by the name of Catholickes do deny. Wherfore for the reſpect I beare and owe to God and his Church, and for the information of ſome deceiued Catholicks, and confutation of Hereticks, and thoſe Catholicks, who in this point ioyne with them, I will prooue it by many conuincing arguments in the enſuing chapters of this Treatiſe. And firſt out of Scripture.

Chapter VIII.

By diuers places and examples of the old and nevv Teſtament, *it is prooued that the Pope in ſome caſe can, not only by Spirituall Cenſure, but alſo by Temporall punishment, and euen by depriuation, chaſtice Princes, who are rebellious, and doe tyrannically perſecute and moleſt the Church.*

1. HAuing explicated how the Popes Spirituall power may diſpoſe of Temporall things, and euen Crownes, and Diademes, when it is neceſſarie for the Churches cõſeruation or great and neceſſarie good; it remaineth, that I prooue the ſame. But becauſe the proofes are long and many, I will in this Chapter alleadge only thoſe Arguments, which may be deduced out of the Text of Scripture. And leaſt the Aduerſaries of the Popes authority in this point, plaie with me as they haue donne, with ſome learned writers of this time, and bragge of the victorie, when they can deuiſe any anſwere, though neuer ſo ſlender. I will be ſo bolde as to preuent them, and to take this euaſion from them. For if it were ſufficient to shape an vnshapen anſwere, which hath only a shew of probabilitie,

bilitie, then all the prooſes out of ſcripture, which the auncięt Fathers produced againſt the auncient hereticks ſhalbe called in queſtion. For what better and more pregnant place can be alleadged, then that, which the auncięt Fathers cited out of S. IOHN againſt the Arrians: *Ego & Pater vnum ſumus? I and the Father are one*; and yet the Arrians had their anſwer in redines, to witt, that God the Father, and the Sonne, are one, not by vnitie of ſubſtance, but conſent of wils. And what plainer wordes can be alleadged for the *Reall preſence* then thoſe of CHRIST: *This is my body*? and yet the Reformers of this time haue deuiſed no leſſe then fowerſcore expoſitions and anſwers, all different from the Catholick ſence and meaning. But my Aduerſaries are to waigh and ponder the ſoliditie of their anſwers, and the conformitie alſo of them to the Churches definition and practiſe.

Ioa. 10.

Mat. 26. Clandius de Sanctes Repetit. 1. ca. 10.

2. My firſt proofe then ſhalbe taken from examples of the olde and new Teſtament, which do not a little patronize the aforeſaid authoritie of the Pope. SAMVEL as he anoynted King SAVL and created him King of the Iewes, ſo he depoſed him. And although he did this as a Prophet, yet this might be a figure of that, which the Chiefe Paſtour may do in the new law: whervpon *Zuinglius* (whoſe authority muſt needs be of force againſt Proteſtantes) ſaith plainly: *Quòd Reges deponi poſſunt, Saulis exemplum manifeſtè docet,*

1. Reg. 13

Zuing. art. 41. 2. Paral. 26.

docet: That *Kings may be deposed, Saules example*
2. Par. 26. *doth manifestlie teach.* AZARIAS the High Priest deposed OZIAS for arrogating the Priests office: for although God immediately marked him with a leprosie, yet the high Priest after he was thus marked, had authoLeu. 13. ritie from God by the Leuitical lawe, to separate him from all societie and cohabitation with his subiects. Hence I inferre *first*, that the high Priest had in some case authoritie to dispose of Temporall things, though they belonged to Kings. For cohabitation is a temporall thing, and yet the high Priest could depriue euen a King of the same: and if he may dispose of this Temporall thing, why not of other Temporall things, though they be Kingdomes? *Secondly*, cohabitation or at least power and right of cohabitation & societie, is essentiallie included in Kingly power, or at least necessarille annexed vnto it: For a King is he that hath supreme power to gouerne his subiects. And seing that gouernment necessarilie requireth, yea importeth possibilitie, or right to cohabitate, and conuerse with subiects (for how can he gouerne them, if he cannot conuerse with them, or his officers?) if the King might by the Priest be depriued of all right to cohabitate and conuerse, he might be depriued also of his Kingdome. *Thirdlie*, OZIAS disobeyed the high Priest, and notwithstanding his reprehension and expresse commandement to the contrarie, did burne

Incense

Incenſe to our Lord, and ſo AZARIAS might haue cauſed him to haue bene killed for this diſobedience in ſo great a matter, as appeareth by the law of God in *Deuteronomie*, where MOYSES ſayth: *He that shalbe proued refuſing to obey the commandement of the Prieſt, which at that time miniſtreth to our Lord thy God, and the decree of the Iudge, that man shall die, and thou shalt take away the euill out of Iſrael.* Hence I make this deduction AZARIAS the High Prieſt might haue pronounced ſentence of death againſt King OZIAS for diſobeying in ſo great a matter, much more might he haue depoſed him, and depriued him of his Kingdome; for death, which is depriuation of life, is a greater penaltie, then depriuation of a Kingdome, and includeth alſo that, becauſe a dead man cannot be King: and if AZARIAS could depriue OZIAS of his Kingdome, it is like that in ſeparating him from cohabitatiõ with the people, he did in deed depriue him. And certes this the Scripture in the ſame place inſinuareth ſaying: *Fuit igitur* OZIAS &c. OZIAS *therfore the King was a leper vnto the day of his death, and he dwelt in a howſe a part. Moreouer* IOATHAN *his ſonne gouerned the Kings houſe and iudged the people of the Lord.* Which laſt words inſinuate that his ſonne raigned and was King in his place, and conſequentlie that he was depoſed. And ſo IOSEPHVS ſeemeth to haue vnderſtood the matter, when treatinge of this fact of OZIAS and the iſſue thereof he ſayeth: *Et cum*

Deut. 17

2. Paral. 26.

Lib. 9. Antiq. cap. 11.

cum aliquãdiu extra vrbem vixisset, filio IOATHANO *rempnblicam administrante, mœrore tandẽ confectus obijt*: *and for some tyme he had liued out of the Citie, his sonne* IOATHAN *administrating the cõmon wealth, at last he was killed with sorrow.* The same doth also S. CHRYSOSTOME auouch saying: *Cumque sacerdotium sibi vellet sumere, & hoc quod habebat perdidit*: *And when he would take vpon him Priesthood. he lost that* (Kingdome) *which he had.* To this may be added, that which, Baronius well obserueth in his Annales; to wit, that the Iewes had a Councell called Synedrin, or Sanedrin, which consisted of 72. persons, and succeeded the 72. who assisted Moises Num. 11. which Councell had authoritie to iudge of the Law, of the Prophet, and of Kinges; and ouer this Councell the High Priest had supreame authoritie. This Councell was of such credit, that it summoned Herod to appeare, and to answer to Hircanus and the Iudges vnder him, to that which was to be obiected against him. And when he appeared in his purple, and with a stronge troupe: Sameas one of the Iudges reprehended this his mãner of comming, and told him, that he came in that manner; *vt si capitalem iuxta leges sententiam, in eum tulerimus, nobis mactatis ipse euadat, illatâ vi legibus*: that *if we according to the Lawes should pronounce sentence of death against him, he vsing force against the lawes, and killing vs, might escape.* By which it is plaine, that this Councell, and consequentlie the High Priest, had authoritie

Hom. 4. de verbis Isai.

Barron. an. Christi 31. Tiberij 15.

Ex Iosepho lib. 14. Antiq. c. 17.

thoritie to Iudge of the Law, Prophet, and Kinge; and that therfore Azarias had Authoritie to pronounce sentence of death, and much more of deposition, against Ozias; and seing he might depose him it is like, the fore sayd circumstances considered, that he did depose him.

3. I confesse that our aduersaries may answer, that this example doth not conuince that Ozias was deposed, but only that he not actually gouerning, his sonne gouerned for him, he remaining still King till his death: But yet if this fact be not taken barelie, but with the law also of Leuiticus, and the argument deduced out of it, with other insinuations of scripture, Iosephus, S. Chrysostome and the Authoritie of the Couucel of Sanedrin, it is sufficient to prooue that the high Priest, did, or might haue deposed him. I confesse also that our Aduersaries might answer, that there was *Deut. 2.* in the old law an expresse statute to put to death, those, that would disobey the High Priest in matters pertaining to the law, and that therfore the High Priest might pronounce sentence of death, and consequentlie of depriuation against a King; but in the new law, there being no such expresse law, and the new law also being a law of sweetnesse and Charitie, not of feare and rigour, the case is not the like? This they may say; But yet seing that it made much for the honour of the Synagogue and her

her ſecuritie, to haue had ſuch a power, if the Church bee the veritie, the Synagogue but the figure, and as farre inferiour to the Church, as the law and Prieſthood and ſacrifice of CHRIST is Superiour to that of MOYSES; no honourable, nor profitable power and authoritie graunted to the Synagogue, is to be denyed to the Church; and therfore ſeing it is an honour to haue Authoritie to depoſe Princes, and that it is many tymes neceſſary for the conſeruation of the Church, her right, and faith (for many times admonitions, yea commandements, and excommunications will take no effect with proud and rebellious Princes) if ſuch power were graunted to the Synagogue, it is not to be denied to the Church.

4. Another example which Diuines vſe to alleadge is, that of Queene ATHALIA; who (as we read in the fourth booke of Kings) was by the Commandement of the high Prieſt depriued firſt of her Kingdome, and afterwards of her life, and that alſo after ſhee had raigned ſix yeares. And although it may ſeeme that he only ſett the right King Ioas, in his Throne, and diſplaced an vſurper, who had killed all the right Kings ſonnes ſauing IOAS, who was ſecretlie reſerued, and ſtill liuing; yet many learned Authours affirme, that ſhe was before her depoſition true and lawfull Queene; becauſe though she entred by tyranicall vſurpation,

4. *Reg.* 11 2. *Par.* 22. & 23

Bellarminus, Becanus & alij.

pation, yet raigning so long peaceably, it is verie like that she was receaued by the peoples consent: and although IOAS, who was the right heyre, was yet liuing, yet because that was not knowen, it seemeth that the people generallie consented to ATHALIA, which consent was sufficient to make her lawfull Queene, otherwise we must call in question the Titles of many Kings, whose Predecessours entred into the possession of their Kingdomes by violence and inuasion, and without all Title, and yet afterwards prooued lawfull Kings by the common reception and consent of the people, actually raigning for some time with expresse or tacitt consent of the people, giuing à sufficient Title. At least this example sheweth that the High Priest might be Iudge of the Kings right and Title, which was to meddle in a Temporall matter, and no lesse then a Kings Title.

5. ELIAS also, though a Prophet onlie, and no Temporall Prince, consumed by fire from Heauen OCHOSIAS Captaines and their fifties, and made a massacre of Iesabels false Prophetes. Againe, ELISEVS, his scholler, by his curse sett Beares vpon those vngracious boyes, who called him by scorne *Bald-pate*; & he stroke *Giezi* with the leprosie, which he had taken from NAAMAN, for his symonie. Certes ELIAS was so famous for chrastizing rebellious Princes, and their Captaines, that Ecclesiasticus pronounceth thus

3. *Reg.* 18
4. *Reg.* 1. & 2.

Eccl. 48.

thus of him: *VVho didst cast downe Kings to destruction, and didst easilie breake their might, and the glorious from their bed*: And howbeit they did this by extraordinarie and Prophetical power; yet these examples shew how it is not vnbeseeming Spirituall power to controule sometimes Princes, and to punish them euen temporally, when Gods glorie, and his Churches right and honour requireth it. I could alleadge the example of MOYSES, who caused the Princes to be hanged on Gibbets against the sunne; for communicating with the Moabites in sacrifice; who also by the assistãce of the sonnes of LEVI, killed aboue, three thowsand for adoring the Goulden Calfe. But I will come to the Newe law, and see what proofes it yeeldeth.

Num. 25

Exod. 32

6. The new law, though it be the law of Charitie, not seueritie, loue, not feare, yet it is not without examples of Temporall punishment vsed euen by the spirituall sword. S. PAVL excommunicated the Incestuous Christian, as also *Hymineus* and *Alexander*, and *deliuered them vp to Satan, for the destruction of the flesh*: for in the Primatiue Church, to excommunication was annexed a Temporall punishment, by reason that then, when any was excommunicated, the Deuill by and by possessed him and tormented him corporally. In the new law I behould S. PAVL stricking Elymas the Magician with corporall blindnes for hindring the fruict of the

1. Cor. 5
1. Tim. 1

D. Th. 3. *p. in Addit. q.* 21. *a.* 2. *ad* 3.

Act. 13.

of the Ghospell, and I find S. PETER pronouncing sentence of present death against Ananias and Saphira his wife, for defrauding the Apostles in the price of the peece of land, which they had vowed. And although this also they did by the guift of miracles, and extraordinarie prerogatiue of their Apostleship, yet this sheweth that Téporall punishment doth not altogether surpasse the actiuitie and force of Spirituall power. *Act. 5.*

7. *Secondlie* I prooue this by another Argument drawne from the persons of thé, on whom it seemeth the Church may by warrant of scripture inflict Temporall punishment, such as are obstinat Hereticks, disobedient Princes to the Church, Blasphemers, persecutours &c. which examples a writer of this tyme alleageth, though to another end. In the old law, which was a figure of the new, false Prophets, who persuaded to follow false Gods, were slaine, and stoned to death, and the whole Citie that permitted worship of straunge Gods, was commanded to be sacked, and vtterly destroyed. And (as we haue seene) whosoeuer stubbornlie disobeyed the High Priest in matters pertaining to the law, was to be killed: And shall the Heretick stubborne against the Church, & who persuadeth vs to follow straunge Religions, goe scotfree? The person, that was infected with a Corporall leprosie, was separated from all societie: and shall obstinat Hereticks, *D. Kellyson Rep. p. 185.* *Deut. 13* *Deut. 17* *Leu. 13.*

ticks, prefigured by ſuch infected, and infecting perſons, be permitted to conuerſe with vs, yea to rule and gouerne amongſt Chriſtians, hereſie being a ſpirituall leproſie, which mixeth falſehood with truth, as a leproſie infecteth ſome parts of the flesh, others remaining ſound, and infecting, not only the bodie as that doth, but euen the ſoule? The blaſphemer, in the ſame law was by Gods owne mouth commanded to be caſt out of the Camp, and to be ſtoned of the people: and ſhall the heretick in words commonlie blaſphemous, in deeds ſacrilegious, be permitted in the Church, and not be caſt out by Cenſure of excommunication, and by death alſo, when that will not ſerue? NADAD and ABIV, though ſonnes of AARON for vſing ſtraunge fire in their Cenſors, were deuoured with fire from heauen: CHORE, DATHAN, ABIRON, and HON, for arrogating vnto them *Aarons* office, were ſwallowed vp by the Earth: and ſhall the Heretick who inuenteth ſtraunge doctrines, and who commonly without right ordination or vocation arrogateth Prieſtlie Authoritie, be free from all Temporall punishment, he commonly contemning all ſpirituall Cenſures? No, no, an heretick is a woolf, and conſequentlie to be driuen from the fold with ſtones and clubbes: he is a theefe, and ſo to be hanged; he is a Canker, *ergo* to be burned and ſeared; he is a falſe Coyner, that is a deprauer of Gods

Aug lib. 2. queſt. Euang. cap 40.
Leu. 24.
Leu. 20.
Nu. 16.
Matt. 7. & Ioan. 10.
Ioan. 10.

of Gods word, *ergo* to be hanged, drawne, and quartered, he is cockle, *ergo* to be pluckt vp by the rootes, leaſt he hinder the growth of the good corne; he is a tree of Autumne vnfruitfull, twiſe dead, being deuoid both of the life of faith and charitie, *ergo* to be caſt into the fire; he is an euill humour, *ergo* to be purged and expelled; he is a rotten, and rotting member, *ergo* to be cutt of leaſt he infect the whole bodie. 2. *Tim.* 2. *Lib.* 2. & 3. *de falſa moneta.* *Mat.* 13. *Iude.* 1. *Mat.* 7.

8. *Thirdlie* I prooue this out of thoſe verie wordes, by which S. PETER was conſtituted ſupreame Paſtour vnder Chriſt, and vnder-Head of the Church: *Paſce oues meas*: *Feed my sheep*: for to a Paſtour it appertaineth to rule and gouerne his sheepe, to feede them, to cure them, and to defend them from the woolfe, or rauenous beaſt. VVherfore S. PETER, and his ſucceſſour the Pope, being the ſupreame viſible Paſtour of the Church, is not onlie to rule, and gouerne them by lawes, nor onlie to feede them by the word and Sacraments, nor only to cure and correct them by ſpirituall Cenſures; but if they beinfected, and infecting sheepe, he may not only ſeparate them from the Church by excommunication, but alſo if they contemne that punishment, by depoſition, and depriuation of their Kinglie Authoritie: and if the woolfe come, he may not only crie out againſt him by denouncing Gods law and Iudgements, nor only ſtrike him with his ſpirituall ſtaffe, but *Ioan.* 21.

he may also vse euen the Temporall Club to chase him from the flocke and fould, as many worthy Prelates of the Church haue done, whose examples we shall anon alleadge. And yet this not withstãding there shall still be a difference betwixt the Pope and the Temporall Prince; becauſe the Pope is to vse in the first place his spirituall glaiue, and not to meddle with Kinges Regalities, or temporall armes, but onlie when it is neceſſarie for the good of the Church, and when the Spirituall censures will not suffice: the Prince is to vse Temporall armes, and not to meddle with the Spirituall at all.

Mat. 18. 9. The like Argument I deduce out of these wordes of CHRIST: *Si Ecclesiam non audierit, sit tibi tanquam Ethnicus & Publicanus. If he will not heare the Church, let him be to thee as an Ethnike and Publican.* By the Church are vnderstood the Prelates of the Church, and especially the Chiefe Prelate, the Pope, who gouerneth and commandeth in the Church: and so this place is like to the former place of *Deuteronomie*. For as God there sayth, that he that will not obey the high Priest shalbe sentenced to death; so here CHRIST sayth, that he who will not obey the Pastours, and especiallie the high Pastour, shall be holden as an Ethnick, and Publican, that is, by excommunication shalbe cast out of all societie of the Church; for with the Ethnikes and Publicans the Iewes had no commerce,

Chryſoſt. in hunc locum.

Deut. 17

commerce, nor communication. If then he contemne this censure of the Church, the Chiefe Pastour may take his armes from him, by which he molesteth her, and seing that his Temporall power is that, which is his Chiefest weapon, the High Pastour may depriue him of it, else the high visible Priest of the New law, should be inferiour to the High Priest of the oulde law, and MOYSES should be preferred before CHRIST, and the Synagogue before the Church. To make this deduction of more force, I obserue that this place conuinceth, that the Pastour of the Church may separate a disobedient Christian from the societie of the rest, which is a Temporall punishment, being a priuation of Temporall conuersation; whence it followeth, that if the disobedience and default deserue it, he may also depriue a Prince of his Crowne, and Temporall Authoritie, that being also a Temporall paine. Which Argument shall be confirmed more hereafter.

10. Many also, and not improbablie, alleage for proofe of that which hath bene said, those words of our Blessed Sauiour to his Apostles; *Whatsoeuer you shall binde vpon earth, shall be bound also in heauen: and what soeuer you shall loose vpon earth, shalbe loosed also in heauen.* Mat. 18. For although this power of binding and loosing giuen to the Apostles and their Successours, especiallie the Chiefe Pastour, hath for her ordinarie functions, loosing or

detaining ſinnes, excommunicating or abſoluing, diſpenſing in vowes and oathes &c. yet the wordes being generall, *VVhat ſoeuer you ſhall bind vpon earth*, it ſeemeth that they ſhould not ſo be reſtrained, but that they may be extended to looſing and abſoluing euen from Temporall allegeance and obedience to the Prince, when obedience to the Prince can not ſtand with the conſeruation of the Churches right, or faith, for which that power was giuen. And if the Paſtour may free the ſubiects in this caſe from all obligation of obedience or dutie to the Prince, he may make them no ſubiects, and conſequentlie the Prince no King, nor ſuperiour; for the Prince and ſubiects are correlatiues, which are of this nature, that one cannot be without the other, and one deſtroyed, the other is deſtroyed. VVherfore if the Chiefe Paſtour of the Church can abſolue the ſubiects from their allegeance, he can make them no ſubiects; if he can make them no ſubiectes, he can make the Prince no Superiour, and conſequentlie depriue him of all Temporall Authoritie, by which he is Superiour. VVherevpon not only the learned writers of this time, Cardinall BELLARMINE, SVAREZ, SCHVLKENIVS, and others, but alſo ſome of the auncients haue vnderſtood this place of looſing in ſome caſe euen from Temporall allegeance. S. GREGORIE *the Seuenth*, who depoſed HENRIE the fourth Emperour

perour of that name, in his depositiõ which BARONIVS alleageth, calling vpon S. PETER and S. PAVLE, sayth thus: *Agite nunc quaeso Patres, & Principes sanctissimi vt omnis mundus intelligat & cognoscat, quia si potestis in Cœlo ligare & obsoluere, potestis in terra Imperia, Regna, Principatus, Ducatus, Marchias, Comitatus, & omnium hominum possessiones pro meritis tollere vnicuique & concedere: Goe to now I pray you, ô most holy Fathers and Princes, that all the world may vnderstand and know, that if you can bynde and loose in heauen, you can in earth take away according to their deserts from euerie one, and giue to others Empires, Kingdomes, Principalities, Dukedomes, Marquisdomes, Counties, and all mens possessions.* So INNOCENT *the fourth* in the *Councell of Lions*, and in the deposition of FREDERICK *the second* expoundeth the same, and warranteth therby his authority in deposing. And thus much concerning proofes of the Popes authority out of scripture for deposing Princes, and punishing Hereticks and rebelles to the Church by Temporall chastisements.

Baron. tom. 11. Anno 1080. num. 11.

Chapter IX.

By Theologicall arguments *grounded in principles of faith, and the Nature of the Church as it is an absolute Common wealth, the same power of the Supreame Pastour is prooued.*

1. WHat proofe holie Scripture yeeldeth for this veritie, we haue seene in ther former Chapter, Now let vs see what proofe reason grounded in faith, and the Churches Nature, can afforde vs. My first Argument I deduce from the comparison before mentioned betwixt the Spirituall, and Temporall power, by which I haue made it manifest, that the Spirituall power exceedeth the Temporall, as in many other things, so in inflicting penalties and punishments; for the Temporall power can onlie punish the bodie, the Spirituall can chastize the soule; that power can only decree, and indict Temporall penalties and mulcts, this can lay spirituall Censures and bonds vpon the soule, euen excommunication. This power which the Church hath to excommunicate, I haue aboue in part prooued out of diuerse places of Scripture, which here with some others I shall alleadge againe for my present purpose.

poſe. For to omitt that S. PAVL excommunicated that *Inceſtuous Corinthian*, as alſo *Hymineus* and *Alexander*, he inſinuateth the ſame power where he commands vs to shunne hereticks, and not to ſay *Aue* vnto them. As alſo where he ſayth: *Arma militiæ noſtræ non carnalia ſunt, ſed potentia Deo ad deſtructionem &c. The weapons of our warfare, are not carnall, but mightie to God vnto the deſtruction of Munitions, deſtroying Councels and all loftineſſe extolling it ſelf againſt the knowledg of God, and bringing into Captiuitie all vnderſtanding vnto the obedience of Chriſt, and hauing in a readineſſe to reuenge all diſobedience.* And a little after: *quam dedit nobis Dominus &c. which power our Lord hath giuen vs to edification, not to your deſtruction.* Vpon which places S. CHRYSOSTOME ſayth: *Ad hoc potentiam accepimus vt ædificemus; Quod ſi quis obluctetur, tum demum altera quoque facultate vtamur, eum diruentes ac proſternentes. To this end we haue receaued power that we may edifie. But if ſo be any ſtand out, or become obſtinate, then may we vſe another meanes, pulling him downe and proſtratinge him.* Which place (as ſome think) prooueth that the Chiefe Paſtour may inflict Temporall punishment euen on Princes. And therfore S. Auguſtine hence prooueth that hereticks may he punished Temporally: But at leaſt it prooueth, that the Paſtours, and eſpecially the Chiefe Paſtour of the Church, haue not onlie Authoritie to preach and miniſter Sacraments, but alſo to chaſtiſe offenders by ſpirituall Cenſures;

1. *Cor.* 5. 1. *Tim.* 1. *Tit.* 3. 2. *Theſ.* 3. 2. *Ioan.* 1 2. *Cor.* 10

Chryſoſt. hom. 22. *in ep. ad Cor.*

Aug. ep. 50. *ad Bonifac.*

which power CALVIN in his Commentaries on this place affirmeth to be grounded on
Mat.18. the text of S. MATTHEW before alleaged: *VVhatsoeuer you shall binde on earth* &c. to which purpose he applieth that place of HIEREMIE:
Hier. 1. *Behold I haue appointed thee this day ouer the Gentils, and ouer Kingdomes, that thou mayst pluck vp and destroy, and waste and dissipate, and build and plant*; which wordes insinuate power to dispose euen of Temporall Kingdomes, and Authoritie; and, at least by *Caluins* Confession, signifieth power to excommunicate, and to inflict Spirituall paines; which excommunication is no lesse paine and punishment, then a Spirituall band and chayne, wherewith the soule is chayned, then a banishment from the Church of God, then a deliuerie vp to Satan, then a cutting of from all communion with the Church. For as they who are obedient Children of the Church are partakers of three communions and communications, to wit, of conuersation one with another, of Sacraments, and of suffrages, prayers, satisfactions, and merites; so he that is excommunicated is depriued of all these three goods. Wherefore S. AVGVSTIN sayth that it is *grauius malum excommunicari à Sacerdotibus Dei, quàm si quis gladio feriretur, flammis absorberetur, aut feris obijceretur*: *It is a greater ill to be excommunicated by the Priests of God, then if a man were kild by the sword, consumed by fire, or cast vnto wild beasts to be deuoured.*

Aug. li. 1 cont. aduers. legis & proph. cap. 17.

Aug. ser. 68. de verbis Apost. & habetur c. Omnis Christianus. 11. quæst.

And

And againe: *Omnis Christianus, qui à sacerdotibus excommunicatur, Sathanæ traditur &c.* Euery Christian that is excommunicated by the Priests is deliuered vp to Satan. How so? Because out of the Church is the Diuell, as within the Church Christ: and so hereby he is as it were deliuered vp to the diuell, who is separated from Ecclesiasticall communion and societie. Hence I deduce this Argument: The Chiefe Pastour of the Church can excommunicate a Rebellious Prince, and by excommunicating him, depriue him of all the Spirituall Treasures of the Church, as Sacraments, suffrages, merites, and satisfactions, yea he can cut him cleane from the Church, and deliuer him vp to Satan: *ergo* he can, when it is necessarie for the good of the Church, depriue him of Temporall goods, and euen of his Kingdome. I prooue the consequence, because he that can inflict the greater punishment, can inflict the lesser; but it is a greater punishment to be cut of from the Church, and to be depriued of her spirituall goods and graces, then to be depriued of Cities, countries, and Temporall Kiugdomes, *ergo* the Chiefe Pastour, that can cast a Prince out of the Church, can cast him out of his Kingdome.

2. I know our Aduersaries will deny for all this my consequence (as VViddrington doth) because not alwayes he that can do more, can do lesse, but onlie then, when the more and the lesse are of the same

kinde

kinde and nature: As for example, he that can carrie fiftie pound weight, can carrie fiue and twenty pownd weight, and yet he that can diſcourſe and reaſon, which is more, can not flye, which is leſſe, becauſe reaſoning and flying are not of the ſame kinde and nature. But yet for all this, my illation and conſequence is like to that of
1. Cor. 6. the Apoſtle S. PAVL, which can not be denyed: For, (ſayth he) *If the world ſhall be iudged by you, are you vnworthie to iudge of the leaſt thinges? know you not that we ſhall iudge Angels? how much more ſecular things?* And the ſelf ſame Argument vſeth GREGORIE *the ſeuenth* to prooue that he might depoſe HENRIE *the fourth*: for in the Inſtrument of that Emperours depoſition, ſpeaking to the Apoſtles
Vide Baron. tom. 11. an. 1080. n. 11. S. PETER, and S. PAVL, he prooueth that they by him, and he by authoritie receaued from them may depoſe the aforeſaid Emperour, *becauſe*, ſayth he, *you*, (by Popes your ſucceſſours) *haue often taken Patriarchſhips, Primacies, Archiepiſcopall and Epiſcopall Dignities from the wicked and vnworthy, and haue beſtowed them on Religious men. Si enim ſpiritualia iudicatis, quid de ſecularibus vos poſſe credendum eſt? & ſi Angelos dominantes omnibus ſuperbis Principibus iudicabitis, quid de illorum ſeruis facere poteſtis?* For if you iudge ſpirituall things, what may we thinke you can do concerninge things that be ſecular and temporall? And if you ſhall iudge Angels that haue dominion ouer all proud Princes, what may you do with thoſe that be their ſeruants and inferiours?

Where

Where we ſee, that not onlie GREGORIE *the ſeuenth*, but alſo S. PAVL do vſe the like Argument to that which I vſed, and prooue, that they, who can iudge of ſpirituall matters, may much more of temporall; For although it doth not alwaies follow in good conſequence, that a man can do the leſſer, becauſe he can do the greater, as beſides the alleaged example, manie others do conuince, for a man can ſpeake, which is more, and yet he can not barke like a dog, which is leſſe: yet when the things are of the ſame nature, or at leaſt not altogether diſparate and independent, the Conſequence is good. VVherfore ſeing that Temporall things are ordained to a ſpirituall end, (if not of their owne nature, yet by God his inſtitution, who hath ordained vs vnto a ſupernaturall end, as aboue I haue declared) and conſequentlie are ſubordinate, and as it were meanes to a further end, it may be ſayd by good conſequence, as S. PAVL and S. GREGORIE *the ſeuenth* ſay: The Chiefe Paſtour can iudge, and diſpoſe of Spiritnall things, *ergo* he can iudge and diſpoſe of Temporall things, when they are neceſſarie to conſerue the ſpirituall, and are neceſſarie meanes to attaine to the end of the Spirituall power, which is conſeruation of the Church and faith, and the attaining of life euerlaſting. And ſo as S. THOMAS ſaith: *Omnis perſona, vel ars, vel virtus, ad quam pertinet finis, habet diſponere de his quæ ſunt ad finem: Euery perſon,* D. Th. 2. 2. q. 40. a. 2. ad 3

perſon, or art, or virtue, to which the end belongeth, may diſpoſe of thoſe things which are for the end. Seeing then that God hath ordained Temporall things to the ſaluation of our ſoules, and conſequently to the Churches conſeruation; when the Chiefe Paſtour, whoſe office is to bring vs to our Spirituall end, ſeeth that Temporall things are neceſſarie to that end, he can not only command, but alſo diſpoſe of them. Hereupon TVRRECREMATA alſo vſinge the like Argument ſayth: *To him that can diſpoſe of the end, it pertaineth to diſpoſe of the meanes, and to remoue alſo the Impediments, as it is manifeſt in the Phiſitian and ſickman, who becauſe they haue Authoritie to procure health, may make choiſe of the meanes, and may remoue the Impediments of health.* VVherfore ſeing that the Chiefe Paſtour is to looke to the ſoules health of his ſubiects, he may, not onlie command Temporall things, but alſo diſpoſe of them to that end, and may remoue them, when they are impediments to that end. And becauſe the King and his Kingdome are comprehended in the number of Temporall things, which are ordained to the conſeruation of the Church, and the Spirituall end (for God maketh a promiſe to his Chureh by the Prophet Eſay: *That Kings shalbe her Nurcing Fathers, and that with a countenance caſt downe to the ground, they shall adore her*: and threatneth that *the Nation, and the Kingdome that shall not ſerue her, shall perish*) it followeth alſo that, when the

Turrecr. lib. 2. de Eccl. ca. 114.

Eſai. 49.

Eſai. 60.

Chur-

Churches right and faith can not otherwise be conserued, the Chiefe Pastour may dispose of the Kings Crowne and Kingdome, hee in that case being subordinate to the Church and Christian faith. Neither will VViddringtons answere serue, to wit, that in this case they are to be directed and commanded by the Chiefe Pastour for the conseruation of the Church, but cannot be by him disposed: because the argument prooueth more, to wit, that if the Chiefe Pastour can not only command in spirituall matters, which are greater, but also may dispose of them, he may also dispose of the Temporall, which are lesser, they being in some case subordinate to the end of the Spirituall power, which is conseruation of the Church, and faith, and procuration of eternall saluation.

3. A second Theologicall Argument may be deduced from the Authoritie, which the Church hath ouer Temporall power: for as aboue I haue shewed) the Spirituall power of the Church is not onlie Superiour to the Temporall in dignitie, but also (if they who haue this Temporall Authoritie be baptized) in Authoritie of commanding, not only in spirituall matters, but also in Temporall, when they hinder the Churches good, or are necessarie for the Churches conseruation. And therfore if the Prince make a Ciuill law, which derogateth to the Church, the Pastour can com- *The Second Theologicall Argum.*

mand

mand them to alter or to abrogate it. S. GREGORIE corrected MAVRITIVS the Emperours law, by which he forbad ſouldiers to enter into Religion. So S. AMBROSE, though no Pope, but Archbishop of *Milan*, commanded *Theodoſius* the Emperour, who had cauſed ſeuen thouſand at *Theſſalonica* to be killed for a ſedition made againſt the Magiſtrates, to make a new law, by which he was ſo reſtrained, that when he should condemne any to death or confiſcation of goods, the ſentenee should not be executed till 30. daies after, that he might haue time to iudge better, when the furie of anger was paſt. And the Canon law is full of commandementes of the Pope to Princes euen for the diſpoſition of Temporall things; which alſo Widdrington graunteth. For in his *Apologie for the right of Priuces*, he oftimes repeateth, that the ſpirituall power can direct, command, and compell by Cenſures the Princes to make lawes, which are neceſſarie for the Churches conſeruation, and to abrogate lawes, which are iniurious to her, and ſo to diſpoſe Temporall things, as they shall not preiudice the Church, but rather ſerue her for her neceſſarie conſeruation. Yea (ſayth he) *Poteſt Eccleſia propter inſtantem ſui ipſius neceſsitatem præcipere vel prohibere vſum gladij materialis: The Church, when neceſsitie vrgeth, can command or forbid the vſe of the materiall and temporall ſword.* And then (ſay I) if the Chiefe Paſtour can command

Gregor. lib. 7. Indic. 1.

Theodor. li. 5 cap. 17. & 18

Widdr. in Apol. n. 93. & num. 97. 101. 141 139. 377 378.

Widdr. Apolog. n. 197.

command the Temporall power, ſcepter, and ſword, when the neceſſitie of the Church requireth, he may alſo diſpoſe of the Temporall power, ſcepter, and ſword. This conſequẽce Widdrington often tymes denieth, but with how little reaſon we ſhall ſee brieflie. For although euerie one that can command, can not diſpoſe, yet Princes may. I graunt the Ghoſtlie Father can command his Penitente to giue Almes, and the Penitent ſhall be bound vnder ſinne to obey; yet he ſhall not therfore looſe the proprietie, and dominion of thoſe his goods, which he ſhould haue giuen in almes. Yea I graunt that the Prince, when he commandeth his ſubiects to contribute for his warres, or other neceſſities of the Realme, doth not alwaies by and by depriue them of their dominion and proprietie; but yet I ſay, that as he can command Temporall things for the neceſſitie of the Realme, of which he hath charge; ſo he can by his abſolute power, called *Dominium Altum*, when it is neceſſary for the Common wealth, not only command, but alſo take thoſe goods from them and depriue them of the ſame, as in many other caſes he alſo confiſcateth their goods and depriueth them of Dominion. VVherfore ſeing that the Pope is the ſupreame viſible and ſpirituall Prince of the Church, he may, not only command Chriſtian Princes his ſubiects to vſe their Scepter, Authoritie, and ſword

Widdr. in Apol. Reſp. nu. 28.

ſword to the neceſſarie conſeruation of the Church, and eſpecially not againſt the Church, but may alſo (if they contemne his commandement and Spirituall Cenſures) for the neceſsarie conſeruation of the Church and faith, diſpoſe of them, elſe he were inferiour to the Prince, and had not Authoritie ſufficient for the conſeruation of the Church, which is committed and commended to his charge.

The third Theologicall argument.

4. The third Argument ſhall be grounded in the Nature of the Church, as it is a Common wealth; for the Church is an abſolute Common wealth, not ſubordinate to any other, as the Kingdome is to the Chiefe Paſtour and Church: Now it is ſo, that euerie abſolute Common wealth, to wit, which is no part, nor is dependent of another, hath power not onlie to enact lawes for the ſubiects directions, and to inflict punishment on them that are Malefactours, or perturbers of the Ciuill Peace at home, but alſo may make warre abroad both offenſiue and defenſiue for her neceſſarie conſeruation againſt another Common wealth (though otherwiſe not ſubiect, *niſi ratione delicti*) which ſhall invade her rights, or offer any notable iniurie. And as for defenſiue warre, no man with the leaſt ſhew can deny, but that euerie Common wealth, when there is iuſt cauſe may wage ſuch warre; becauſe if euerie priuat

priuat man by the Authoritie, which he hath from God and Nature to conſerue that being which they haue giuen him, may *vim vi repellere*, and kill rather then be killed, much more may an abſolute Common wealth defend it ſelf euen by armes againſt another Common wealth or Prince, that vniuſtlie inuadeth or wrongeth it. As concerning offenſiue or aggreſſiue warres, although euerie priuat man can not reuenge iniuries paſt, but only defend him ſelfe when they are actuallie inferred, yet publick perſons, ſuch as are Princes, Magiſtrates, and Common wealthes may: And although Princes and ſtates dependent of another can not wage warre without licence of the Superiour, yet Princes and Common wealthes independent may not onlie punish Domeſticall Malefactours, and perturbers of Ciuill Peace and Iuſtice at home, but alſo may make warres abroad againſt other Princes or Common Wealthes though otherwiſe not ſubiect, and may not only defend them ſelues, but alſo reuenge iniuries paſt, and may take their enemies townes and ſtrong houldes, burne and kill, till they haue procured iuſt renenge and future ſecuritie, and conſequentlie may in that caſe depoſe and kill the Prince him ſelfe, becauſe the end of iuſt warre being peace, all things in a iuſt warre are lawfull, which are neceſſarie to obtaine peace and ſecuritie: And ſeing that many

L. vt vim ff. de iuſt. Barthol. l. 9 ff. ad pœnit. & l. Furum ff. de ſicariis. Alex. III c. Si vero 1. de ſent. excom. Innoc. III. cap. ſignificaſti 1. de homicid. volunt. & caſuali: & cap. dilecto de ſent. excom in 6.

times the King or Common wealth cannot ſufficiently reuenge nor ſecure themſelues, but by inuading the enemies countrie, by ſacking his cities, killing his ſubiects, and many times the Prince himſelfe; all theſe things are lawfull in a iuſt Warre, and haue euer bene practized euen amongſt the beſt and godlieſt Princes, as euen ſcriptures auerre, Counſels approoue, and hiſtories doe witneſſe. For in the olde law Iosve, David, the Machabees, yea Abraham; and in the new, Constantine *the Great*, Theodosivs, Charles *the Great*, and many others are commended for their warres againſt Tyrants and the Enemies of God. And onlie Hereticks, or fauourers of Hereticks, *a Manichees*, *b Wickleſiſts*, and *Anabaptiſts* *c* condemne all warre as vnlawfull, to whom *d Eraſmus* ſeemeth to ſubſcribe. And the reaſon of this Aristotle giueth: becauſe (ſaith he) euerie abſolute Cõmon wealth muſt be ſufficient in it ſelf, and muſt haue that Authoritie, which is neceſſarie, not onlie to defend it ſelfe whilſt iniuries are inferred, but alſo to reuenge them by warre after they are paſt, and ſo to procure not onlie iuſt reuenge, but alſo a ſecure & ſtable peace for after tymes; for if one Common Wealth or Prince ſhould inuade another, and yet could not be repelled, no Common wealth could longe conſerue it ſelfe. Wherfore when a Kingdome or Common wealth is wronged, it may, not onlie defend,

a *Aug. lib. 22. cõt. Fauſtum ca. 74.*
b *Thom. Waldẽſ. tom 3. de Sacr. tit. 24. cap. 169.*
c *Melanct̃h de locis. tit. de Magiſtratu.*
d *Chil. 4. cent. 1. Adag. 1. & in ca. 3. Luca.*

defend, but alſo reuenge it ſelf in manner aforeſaid, for in this caſe one muſt yeeld, and reaſon teacheth that the Common wealth, which is nocent, and which offereth wrong, should rather yeeld, then that, which is innocent, and receaueth wronge: and ſo if the innocent Common Wealth cannot conſerue it ſelfe whilſt the other is in proſperitie, it may make warre vpon it and ruine it, or ſubiugate it, rather then it ſelfe should be ruined. And although none but God and lawfull Superiours can reuenge wronges paſt (according to that *Mihi vindictam & ego retribuam: Reuenge to mee, and I will reward*: and againe. *Dei enim miniſter eſt, vindex in iram ei, qui malum agit: For he is the Miniſter of God, a reuenger vnto wrath to him that doth euill.* And S. PETER biddeth vs to be obedient, not onlie *to Kings, as excelling*, but alſo *to rulers as ſent by him, ad vindictam malefactorum, laudem verò bonorũ, to the reuenge of malefactours but to the prayſe of the good*:) yet a Common wealth may reuenge it ſelfe vpon another Common wealth that offereth iniurie, by reaſon that it hath publick and ſupreame Authoritie, and that the Common wealth that offreth wrong makes it ſelfe ſubiect to the wronged *ratione delicti.*

Deut. 31 & *Rom.* 12. *Rom.* 13. 1. *Pet.* 2.

5. Vpon this ground layd, I can now build diuers arguments to prooue that which is in this Chapter intended. For *firſt* hence it followeth, that the Church may vſe defenſiue warre, not only againſt Chri- *The Firſt Sequel.*

ſtian Princes, but alſo euen againſt Pagans and infidels, that do moleſt her; becauſe Nature teacheth that euery one may *vim vi repellere, repell force by force*: and although the ordinarie Armes and weapons of the Church be Spirituall, as excommunication, and ſuch like, yet when theſe will not ſerue, she may vſe temporall. For as Chriſt in eſtabliſhing a Church gaue it a Spirituall being, ſo he gaue it Authoritie to conſerue and defend this beiug by all lawfull meanes; And therfore if euerie one may vſe all lawfull meanes to defend, not onlie him ſelfe, but euen his Temporall goods, and may rather kill, then be killed, yea or ſpoiled of his goods, becauſe naturall reaſon teacheth, that when God and nature giue anie being, they giue authoritie to conſerue and defend it, elſe their liberalitie had bene in vaine: So ſeing that Chriſt hath giuen his Church a being, which conſiſteth in a Spirituall power to preach, miniſter Sacraments, gouerne by lawes &c. whoſoeuer shalbe ſo hardie, as to offer to depriue her of this her being, and power, she may euen with Temporall armes, which otherwiſe are lawfull, defend and mantaine her right. And although Infidels, who were neuer baptized, be not ſubiects of the Church, nor shee their Superiour, according to that of S.

1. Cor. 5. PAVL. *Quid mihi de his, qui foris ſunt, iudicare?* *VVhat is it to me to iudge of thē that are without?* yet there is no ſuperioritie or publick Autho-

ritie

citie required to defend; for euerie priuat man may *vim vi repellere, repell force by force*, much more may the Church, or anie other Common wealth: elſe if a priuat man might defend him ſelf, and a Common wealth could not, the priuat man should be in better eſtate, then a Common wealth, which is abſurd. VVhat (ſayth our learned Country man Doctour SANDERS) yf the Bishop should ſee a ſouldiour running through the ſtreets with his ſword drawn, readie to kill euerie one that meeteth him, might not the Bishop command ſome to take his ſword from him for the defence of the people, and eſpeciallie the Clergie? if he may giue one commiſſion to take the ſword in ſuch a caſe from the ſouldiour, why might he not take it from the Captaine; yea Prince, and Emperour? Hence it is that the Angelicall Doctour S. Thomas ſayth that the Church may free Chriſtians from ſubiection to Pagan Princes and take from the Princes their Prelacie and Dominion ouer them. Yea, he ſayth that the Church may (though she vſe not ſo to do) free alſo Chriſtians ſubiect to Pagan Princes, though the Princes be not ſubiect temporallie to the Church.

Sanderus lib. 2. de viſib. monarch. cap. 4. pag. 90.

2. 2. q. 10 art. 10.

6. *Secondlie* hence I gather, that the Church may make, not onlie defenſiue, but alſo offenſiue warre againſt any other Prince or Common wealth that shall notably moleſt or perſecute her, or invade her

The ſecond ſequel.

Eccleſiaſticall right. For the Church is an abſolute Common wealth, ſubiect, at leaſt in Spirituall matters, to no other. Wherfore as England, if it were notably wronged by France, might wage warre, euen offenſiue againſt it, and might not onlie defend it ſelfe from preſent wrong, but might reuenge it ſelf alſo of iniuries paſt, ſo may the Church make warre, euen offenſiue againſt both Chriſtians and Pagans for maintenance of her right; for although Pagans, by reaſon that they are not baptized, and ſo not ſubiect to the Church, can not be excommunicated, or otherwiſe Spiritually punished by her, as rebellious Chriſtians may; yet they may be temporally punished by temporall warre, in regard that they are ſubiects (as much as is required to inflict temporall punishments) *ratione delicti*, by reaſon of the wronge. For ſo France is not now ſubiect to England, and yet if it should wrong England notably, England might punish it by temporall warre, becauſe it is ſubiect at leaſt in this reſpect *ratione delicti*, by reaſon of the offence and wrong offred. And if the Church may wage warre offenſiue againſt Pagan Perſecutors, whome she cannot punish Spiritually, much more may she againſt Chriſtian perſecutours and Spirituall Tyrants, that inuade her right and perſecute her faith, elſe she were not an abſolute Common wealth, nor had not ſufficient Au-

thoritie

thoritie to defend, and maintaine her ſtate.

7. *Thirdlie*, If one abſolute and independent Common wealth may wage warre defenſiue and offenſiue againſt another, which is iniurious, though otherwiſe not ſubiect, much more may the Church againſt the Ciuill Common wealth, ſeing that this is an inferiour ſtate, and truly ſubiect in Spirituall matters. For if, when two abſolute and indepẽdent Common wealthes are oppoſite, that which is nocent and offereth wrong, muſt yeeld to that which is innocẽt and endureth wrong, though otherwiſe it be neither ſubiect, nor ſubordinate; much more, when the Ciuill Common wealth is oppoſite to the Church, and that offreth wrong, this receaueth, ought the Ciuill Common wealth to yeeld to this, it being not altogether abſolute, but ſubordinate and ſubiect therunto. *The ſequel.*

8. But our Aduerſaries obiect that the Church hath no Temporall, but only a Spirituall ſword, and ſo can onlie excommunicate and inflict Cenſures, but can neither defend nor offend by Temporall armes; but rather, when her Spirituall ſword will not ſuffice, she muſt haue patience, hauing no other weapons to vſe. And to this purpoſe they cite thoſe wordes of S. PAVL; *The weapons of our warfare are not carnall*; and thoſe alſo of the ſame Apoſtle: *No man being a ſouldiour to God intangleth him ſelfe with ſecular buſineſſes.* Yea they vrge euen theſe wordes of *An obiection.* 2. *Cor.* 10 2. *Tim.* 2

Mat.26. our Sauyour: *Retourne thy ſword into his place.*
And they tell vs plainlie, that the Church,
Ca. Clerici & c. quicunque. 20. qu. 8. & cap. eos qui 20. q. 3. that is, Clergie men, are forbidden by her
The Anſwer. own Canõs to make warre. To this I haue an
eaſie anſwer, yea many anſwers. *First* I
anſwer that the ordinarie weapons of the
Church are ſpirituall, but when they will
not ſerue for her defence, in ſome caſes she
may vſe temporall armes. *Secondlie* I anſwer
that the Church hath none but Spirituall
armes, that is, ſpirituall power, but by this
power she can, not only punish Spiri-
tually, but alſo Temporally, and by it she
can, not only diſpoſe of ſpirituall goods,
but euen of the Temporall, when it is ne-
ceſſarie to conſerue the faith and authoritie
of the Church. *Thirdly*, to anſwer diſtinctly
to euerie parcell of the obiection, I ſay that
the firſt place is vnderſtood of the ſpirituall
power of the Church, which is not Tem-
porall, nor carnall, but ſpirituall; but as
this power directlie and ordinarilie med-
leth only with ſpirituall matters and pu-
nishments, ſo indirectly, and in ſome
caſes for the neceſſarie defence of the
Church, it can command the Temporall
glaiue, and handle it alſo, when Princes at
her commandement will not vſe it to her
end. The other place forbiddeth only
Clergie men to be to much ſollicitous and
ſtudious about Temporall affaires. The
third place only forbiddeth to vſe the
ſword for reuenge, and by priuat authori-

tie:

tie: And therfore after CHRIST had bidden S. PETER put vp his ſword, he addeth that *all that take the ſword, ſhall periſh with the ſword*; which muſt needs be vnderſtood of priuat men, who indeed take it, but receaue it not from authoritie. For the Magiſtrate who receaueth the ſword from the Prince, may, and muſt vſe the ſame for the punishment of malefactours. As for the alleaged Canons which forbid Prieſts, and Religious to goe to warre, I graunt that ordinarily they muſt not goe to warfare, becauſe it is not beſeeming their function, and is for that cauſe forbidden; but yet by diſpenſation of the Chiefe Paſtour, they may, and in caſe of great neceſſitie (as if otherwiſe the Common wealth could not be defended) they may and muſt euen without diſpenſation, becauſe to this they are bound by the law of Nature, frō which the law of the Church doth not derogate, no more then Grace doth from Nature, as all Diuines do auouch. If Prieſts then may fight and vſe their temporall ſword and armes for the neceſſarie conſeruation of the Common wealth, much more may they for the defence of the Church.

1. Pet. 2.

D. Th. 2. 2. qu. 40. a. 2. ad 3 Caietan. ibidem. Bannes ibid. dub 2. con. 2. & dub. 3 con. 1. Conar. Relect. in Clement. Furioſus p. 2. §. 3. n. 2.

9. And certes, if the Church could not do this in ſuch caſe of neceſſitie. CHRIST had not ſufficiently prouided for her, nor giuen her that Authoritie, which is requiſite to euerie abſolute Common wealth. For what if Turkes and infidels ſhould in-

uade the Church, ruine her Temples and Monasteries, despoile her of her Bishopricks and benefices, force her subiects to Idolatrie and superstition hinder by violence preaching, administration of Sacraments, and all practize of Religion, what should the Church do? excommunicate these persecutours? she cannot, hauing no Spirituall power ouer them, they being not incorporated to the Church by baptisme. Aud if she could, they would contemne all such weapons *tanquam sagittas paruulorum: as the arrowes of children.* What then? must the Church stand still, and let the cruell persecutour do his worst? must she expose her selfe, and her subiects to theire mercie, that haue no mercie? Certes, if in that case she might not take armes, she were the vnablest and worst prouided Common wealth that euer was. And what if the hereticks, who commonlie are more cruell than Pagans (as the crueltie of the Arrians, and euen of Protestants and Puritans in France, the low Countries, and our Iland also, beareth to euident witnesse) would vse the like, or greater crueltie and Tyrannie against the Church and the true faithfull people therof? VVhat defensiue Armour hath CHRIST giuen her? Excommunication (you will say) or other spirituall censures. But what if they also (as commonly they do) would contemne all such armes and weapons? How shall the Church

Psal. 63.

Vide Baron. an. Christi 348. & Victorem Vticen. de Persec. Wandalica.

Church conſerue her ſelfe and withſtand their crueltie? ſhould she expoſe her throate and breſt to the Tyrants ſword, her ſelfe and her ſubiects to his crueltie? ſhould she permitt Sacraments and preaching to be forbidden, all exerciſe of Religion to be hindered, and in lieu therof all abomination to be ſet vp and promoted? You will ſay that after she hath threatned Gods Iudgments, vſed her ſpirituall Armes and weapons, she hath no more to do, hauing no Temporall Armes to vſe, and ſo muſt commit all to God. But then ſay I, that CHRIST, who was incarnate, and liued and dyed for the Church, had not ſufficiently prouided for her defence. And they that ſay she can only haue acceſſe in that caſe to God, are like to thoſe Philoſophers who deny all power to ſecond cauſes to produce ſubſtantiall formes and effects, and make God the onlie Authour. But as theſe Philoſophers, are hiſſed out of the ſchooles, becauſe ſince God created all at the beginning, he doth nothing in Nature, but by ſecond cauſes: ſo I ſay, that VViddrington and others, who deny the Church all power to defend her ſelfe, are vnnaturall Children, yea mercileſſe and cruell enemies, in remitting her to God only, who though he alwayes heare our praiers and petitions, yet doth not alwaies graunt them. VVherefore wee muſt finde out a ſword and an ordinarie ſecond cauſe which may

in this

in this caſe defend the Church, and this is no other then her Spirituall power, by which, as aboue is declared, she can diſpoſe of Temporall goods, and Kingdomes for the neceſſarie conſeruation of the ſpirituall good: For the better declaration wherof I demaund of our Proteſtantes in *England*, if his Maieſtie should turne Catholick, and conſequently should put the miniſters out of office, perſecute them with ſword and fier, what would they doe? They would perchaunce excommunicate him; but what if he contemned ſuch excommunication, as iuſtlie he might, they being no true Bishops, what would they doe? Trulie if a man may gueſſe by that they teach and haue practized in *Scotland*, *England*, *Frãce*, *Germanie* & the low countries, they would truſt more to their ſword then their word, as we shall ſee herafter that they haue done in the like caſe.

In diſp. Theol. c. 3. n. 21. ſect. 1. An obiection of Widdr.

10. But Widdrington taxing the learned Suarez ſayth; that if becauſe the Church is an abſolute Common wealth, and conſequently hath ſufficient Authoritie to defend her ſelfe, we may inferre that she may vſe, not only Spirituall, but alſo Temporall armes, wee muſt inferre alſo, that God muſt giue the Church not only Authoritie to depoſe Princes, but alſo force and meanes to execute the ſentence of her depoſition, which yet wee ſee she alwayes hath not. *The Anſwer.* I anſwer, that it is not neceſſarie that

God

God should alwayes giue execution to matters: for the King and Common wealth cannot alwaies actually suppresse Rebelles and vanquish enemies; but yet as if the King or Common wealth had not authoritie to defend it selfe by defensiue and offensiue weapons, neither he, nor the Common wealth were sufficiently by God and Nature furnished or prouided for; so if Christ had not giuen his Church power and Authoritie to defend and conserue her self by Temporall armes, when the spirituall glaiue will not serue, he had not prouided sufficiently for her, neither had she had the Authoritie which is due to an absolute Common wealth. And although God hath promised to protect his Church to the end, (as he promised to defend the Synagogue, and to continue the Kingdome to Dauids posteritie) yet he vseth second causes for the execution and performance of his sayed promise. And therfore as not withstanding his promise, the Iewes and Dauid vsed humane meanes, as warres, and such like, for their conseruation; so may the Church when her spirituali power is contemned.

11. But although (as this Argument prooueth) the Church may vse Temporall armes in case of necessitie, yet it is not so conuenient that she should do it by her selfe immediately, but rather by the hand of the Prince, when she can induce him to vndertake her cause and defence, and for

that

that cauſe, though she vſeth to deliuer hereticks *brachio ſeculari, to the ſecular arme and power*, yet she vſeth not to punish them her ſelfe, not for that she cannot, but becauſe it is not conuenient she should, but only when Temporall Princes will not do that office for her, whereupon S. BERNARD, alluding to thoſe wordes of Chriſt: *Conuerte gladium tuum in vaginam.* as he auerreth the power of handling the Temporall ſword, ſo he ſaith it is not conuenient for the Paſtour to vſe it, but only to command it. For thus he ſpeaketh to Pope EVGENIVS *the third*; *Quid tu denuò gladium vſurpare tentas, &c. VVhat doſt thou goe about to take to thy ſelfe againe that ſword, which once thou waſt commanded to put vp in to the sheath? VVhich yet, whoſoeuer denyeth to be thine, doth not ſeeme to mee to haue ſufficientlie attended to the word of out Lord, who ſayd; Put vp thy ſword into the ſcabbart. It is thyne therfore & perchance at thy becke, though not by thy hand to be drawne: otherwiſe if it did not any wiſe pertaine vnto thee, when the Apoſtles ſayd: Behold two ſwords here, our Lord would not haue anſwered, It is enough, but, It is to much. Therfore both the ſpirituall and materiall ſword is the Churches, but that is to be vſed for the Church; this alſo of the Church: that by the hand of the Prieſt, this by the hand of the ſouldiour, but yet at the becke of the Prieſte and commandement of the Emperour.* And therfore when S. AMBROSE ſayth: *Dolere potero, potero flere, &c. I may be ſorie, I may weepe, I may groane. Againſt armes, ſouldiours, and the*

Lib 4. de conſider. cap. 3. Ioan. 10. Mar. 26.

Orat. in Auxent. qua extat lib. 5. ep. eius, poſt epiſt. 32.

Gothes

Gothes, *my teares are my weapons. For such are the armes and defences of the Priest. Other wise I neither must, nor can resist,* VVhen I say S. AMBROSE saith that he hath *no other armes but teares and prayers*, hee meaneth only that the ordinarie weapons of the Church are Spirituall, but denieth not but that in an extraordinarie case, the Church and Chiefe Pastour may vse Temporall armes, when spirituall weapons are not sufficient.

CHAPTER X.

The same verity is confirmed by the practise of the Church *in punishing heretickes temporally, with losse of goods, liberty and liues.*

1. THe Church is *a Citie on a Hill*, and therfore so illuminated by the Sonne of Iustice, that no cloud of errour can obscure or endarken her: Shee is *builded on a Rocke* so surelie that *the gates of hell*, heresies, *can neuer preuaile against her*: Shee is *the pillar of truth*, and therfore can not maintain any vntruth: Shee is the *Spouse* of *Christ*, and so priuie to all his secrets: Shee is so guided by her Head *Christ Iesus*, so directed by his, and his Fathers spirit the Holy ghost, that she can not erre either in her definitions, or generall practises and customes: and therfore S. AVGVSTINE saith, that to call in question

Matt. 5

Mat. 16.

1. Tim. 3.

Osee 2.

quod

Aug. ep. 118. *quod tota per orbem frequentat Eccleſia*: that which the whole Church through out the world practiſeth, is *inſolentiſsima inſania*, moſt inſolent madnes. Amongſt other of her practiſes one is, and that verie auncient and generall to punish by ſword, or fire, or els by Temporall mulctes an obſtinate Hereticke; And therfore to doubt whether it be lawfull or no, is by S. AVGVSTINES rule *moſt inſolent madnes*. This practize, I know, pleaſeth not hereticks, no more then the execution of Iuſtice is liked of Malefactours. And therfore the *a Donatiſts* and *b Huſsits* in times paſt, and of late *c Luther* to ſaue their owne skinnes, ſtifly ſtand to it, that the Church cannot punish hereticks Temporally, eſpecially with death; and the ſame *d Luther* in one of his articles condemned by LEO *the Tenth*, ſayth: *hæreticos comburi eſt contra voluntatem ſpiritus*: *that hereticks ſhould be burned is againſt the will of the ſpirit*. To whom not withſtanding *Caluin* in practiſe ſubſcribed not, for he cauſed *Michael Seruetus* to be burnt, reſeruing for him ſelue his goulden Chaine, as *e Reſtius* reporteth; & both he and *Beza* by and by published in print, that it is lawfull to vſe the Temporall ſword againſt Hereticks, which alſo *Benedictus Aretius* alloweth in his hiſtorie *De ſupplicio Valentini Gentilis*. And certes that Hereticks maybe temporally punished by the Church, I haue

Auguſt. ep 48. & 50. l. Manichæos, l. Ariani, & l. quicunque, C. de hæret. Cap. ad abolendam, Ca. vergentis, c. excõmunicamus 1. & 2. de hæret.

a Auguſt. li. 2. contra epiſt. Parmen. ca. 7. lib. 3. contra lit. Petil. cap. 10. & lib. 2. cõtra ep. Gaudẽt. cap. 17. & 26.

b *Ioan. Huſſ. art. 14. Conſtantia damnat.* c *Luth. in Aſſert. a. 33.*
d *In Aſſert. art. 33.* e *Reſp. pag. 54.*

haue alreadie prooued by many places of ſcripture, eſpeciallie out of the olde Teſtament, out of which I may argue for the Churches practiſe with S. Ciprian: *Si ante aduentum Chriſti circa Deum colendum, & Idola ſpernenda, hæc præcepta ſeruata ſunt, quãto magis poſt aduentum Chriſti ſunt ſeruanda, quando ille veniens non verbis tantum nos hortatus ſit, ſed & factis. If before the Comming of Chriſt thoſe precepts were obſerued touching the worshiping of God, and reiecting of Idols: how much more are they to bee obſerued after the coming of Chriſt, ſeing that hee coming hath not exhorted vs onlie by words, but alſo by deeds?* S. Avgvstin ſpeaking of the hereticks of his time ſayth: *Videte qualia faciunt, & qualia patiuntur. Occidunt animas, & affligũtur in corpore: See what things they do, and what they ſuffer; they kill ſoules, and are punished in bodie; they kill ſempiternally, and ſuffer Temporall deathes.* And in diuers other places he prooueth that they may be punished Temporally; though once he was of opinion, that they should not be forced by the ſword, but perſuaded onlie by the word. Dioſcorus Bishop of *Alexandria* in the firſt Action of the Councell of Calcedon: *Si Eutyches præter dogma Eccleſiæ ſapit, nõ ſolum pœnâ dignus eſt, ſed & igne. If Eutyches thinke otherwiſe then the Church teacheth, he deſerueth, not onely to be punished, but alſo to be burned.* VVhereupon S. *Antonine* reporteth that in the time of Innocentivs *the Third*, no leſſe then a hundred and foureſcore Hereticks of the *Albigenſes* were burned for obſtinat and pertinacious

Cypr de Exhort. Martyrij cap. 1.

Aug ep. 48 et 50.

Lib. 2. cõtra lit. Petil ca. 7. & li. 1. contra Parm. cap 7.

Concil. Calced. Act. 1. Anton. 3. p tit. 19. c. 1. §. 4.

maintaining of their damnable sect. And in the *Councell* of *Constance* IOHN Hvs, and HIEROM *of Prage* were condemned to the same death, and ended their miserable life by fire. VVhere also Hvs his *fourteenth Article*, in which he affirmed cõtrarie to this practise, that the Prelats of the Church in deliuering Hereticks to secular power, were like to the Scribes and Pharisees, who procured Christs death, and yet said: *Nobis non licet interficere quenquam*; *It is not lawfull for vs to kill any*, was condemned. Certes in the Councell of NICE, ARRIVS bookes were commanded to be burnt vnder paine of death, as he and his followers were banished. In THEODOSIVS the Emperours time hereticks were mulcted and punished in their purses. And after MARTIAN and VALENTINIAN decreed punishment of death against them. The Common law also is full of Temporall punishments prescribed for hereticks. They are deliuered vp to the secular power to be punnished according to the Emperours lawes; their goods are confiscated; Aduocates and Notaries, that fauour them, are suspended from their offices, and made by the law infamous for euer; They are depriued of the right of making their last will and Testament, or succeeding by Testament; and are condemned to perpetuall prison; Finally those that were bound to Hereticks, are freed from their bonds.

Concil. Constãt. sess 15. art. 14.

In pram. Concil. Nicen. Sozom. li. 1. c 20 Socr. li. 1 cap. 6. & Niceph. li. 8. cap. 18. can. Ipsa pietas 23. qu. 3 l. Quicunq; C de haret. Et ca. ad abolendam, ca. vergẽtis c. excommunicamus 1. c. absolutos de haret Concil. Lateran. sub Innoc. 3. can. 3. l. Cuncti l. Ariani. l. Manicheos. C. de haret.

2. If *VViddrington* answer that this Argument

gument prooueth onlie that Hereticks may be punished, yet not by the Church, but by the Magistrate: I must tell him, that if the Magistrate may punish Hereticks, much more may the Church, because the Magistrate and Prince, as he is not to iudge which is heresie, so it pertaines not to him to punish Hereticks, heresie being a crime which pertaineth to the Ecclesiasticall, not to the Temporall Court; and therfore that Princes by their lawes do decree punishments against hereticks, they do it by commission from the Church, which is the cause why the Church first deliuereth them vp to secular power: whence followeth that the Church, who giueth Authoritie to Princes to punish Hereticks, may do it her selfe when they are wanting in their office, which also all the Arguments alleadged do conuince. And Widdrington cannot denie, that the Church doth deliuer vp Hereticks to secular power, which is a temporall punishment, as also that she casteth them into prison, confiscateth their goods, makes them infamous, vncapable of new secular offices, and of the right and lawfull execution of the olde, makes them vnable to make their last will, or to succeed by Testament; yea and that by her decrees they be excommunicated, and consequentlie depriued of all Ciuill societie, which are in like sort Temporall punishments. Moreouer, it cannot be denied but that the

Vide Suarez lib. 4. de legibus cap. 11.

Ca. ad abolendum cap. vergentis. c. Excõmunicamus. ca. fin. de hæreticis. & 15. q. 6. ca. nos Sanctorum.

Councell of Trent, seſſ. 25, cap. 3. Commaundeth Eccleſiaſtical iudges not to vſe Cenſures but when there is vrgent cauſe; and in lieu therof to condemne malefactours to pecuniarie mulctes,

3. And if the Church can thus punish ordinarie Chriſtians temporallie, she may inflict Temporall punishments vpon Kinges, becauſe although Kings as Kings are ſuperiours to their ſubiectes, yet as Chriſtians, and Chriſtian Kinges alſo, they are as ſubiect to the Church, as others, becauſe (as aboue I haue declared) the reaſō why other Chriſtians are ſubiect to the Church, and her viſible Head and Paſtour, is, becauſe they are incorporated to the Church, and made members therof by baptiſme, and conſequentlie ſubiect to the whole bodie and head, but Kinges and Emperours are as well incorporated as other Chriſtians, being as well baptized and ſigned with as good and as vndefaceable a caracter of baptiſme, *ergo* they are as ſubiect. And then ſay I, If they be as ſubiect, they may by the Churches authoritie be punished aſwell as others, and not only ſpirituallie, but alſo temporallie, as others may: & if once it be graunted that hereticall and rebellious Princes may be punished by the Chiefe Paſtour by leſſer penalties, as cōfiſcations of goods, infamie, exile, & ſuch like punishments, which are inflicted on all obſtinate hereticks; then I ſhall eaſilie inferre, that they may by the Church

be

be depriued also of their Kingdomes, that depriuation being a temporall punishment, & so of the same order with the others; And though it be greater then many others, yet, why may it not be inflicted for an enormious rebellion or iniurie against the Church? This I say to prooue that Princes by the Church may be punished temporallie though the Church alwayes beareth and ought to beare that respect to Princes, that she will not vse tẽporall punishmẽts against Princes, no nor any punishment at all, but only when holsome admonition will not serue, and the Church is much interessed.

CHAPTER XI.

The same power of the Pope *ouer Princes is prooued by* authority of Generall Councells, *out of which are gathered, for the same authority, euident and conuincing arguments.*

1. THe Authoritie of a Generall Councell, confirmed by the Pope, *quoad nos*, in respect of vs (to whom a Councell is better knowen then Scripture, though in it selfe not of so great credit as Scripture) is the greatest in earth, and vnder the cope of Heauen. For if a Councell, especiallie Generall, confirmed by the Chiefe Pastour, notwithstanding that it representeth the *Act.* 15.

whole Church, containeth all the Chiefe Paſtours of the Church, and hath in it aſſembled all the learning, wiſdome, Authoritie, and ſanctitie, yea the holy Ghoſt for directour, may erre: who cannot erre? And after ſuch Authoritie reiected, whome ſhall we finde of greater Authoritie for interpreting Scripture, deciding controuerſies, clearing doubts and difficulties, and enacting holſome lawes? Chriſts bids vs holde him for no better then an Ethnike and Publican who will not heare the Church, and where, or when doth the Church more expreslie deliuer her mind, or teach with more Authoritie, or command with more right to be obeyed, then in a Generall Councell? And if in any place or cõmunitie the holie Ghoſt preſideth (as certes Chriſt promiſed his Holy ſpirit to his Church, and the Apoſtles, and their Succeſſours) no doubt in a Generall Councell he teacheth all veritie. Hence it is, that S. PETER and the Councell holden at *Hieruſalem*, ſayth: *Viſum eſt ſpiritui ſancto & nobis: It hath ſeemed good to the Holie Ghoſt and vs.* And if the Church be euer the Pillar of truth, it is in a Generall Councell: If euer Chriſt fulfilleth his promiſe to be there where two or three are gathered together in his name, he fulfilleth it in a Generall Councell. Wherefore ATHANASIVS calleth the decree of the Councell of NICE *Sententiam Apoſtolicam, An Apoſtolicall ſentence*, and in another place he marueiles how

Mat.18.

Ioan.14. & 16.

Act.15.

1.Tim.3.

Athan.in epiſt.de Synodis Arim.& Seleuc.

how any dare make any doubte, or moue any queſtion concerning any matters decided in that Councell. S. AMBROSE did giue ſuch credit to it, that he ſayd *neither death nor ſword ſhould ſeparate him from that Authoritie*. S. AVGVSTINE calleth the ſentence of a Generall Councell *the laſt ſentence from which is no appeale*, and ſaith that the Authoritie of Councels in the Church is *ſaluberrima, moſt holeſome*. S. CIRILL of *Alexandria* calles a Generall Councell *Baſim, & immobile fundamẽtum. A ground and immoueable foundation*. S. GREGORIE *the Great* honoured the foure firſt Generall Councels (to which the Councell of Trent is equall in Authoritie, cõſiſting of as lawfull Bishops) as the foure Ghoſpelles, to wit for their infallibilitie. This I thought good to premiſe, becauſe Widdrington and others ſeeme not to giue that reſpect to Councels, as the Authoritie of them requireth. Let vs now ſee what the Councels ſay of this matter in hand, and then let me ſee the face, that dareth face out ſo great Authoritie.

Epiſt. ad Epict. *Ambroſ. li. 5. epiſt. 32.* *Aug. ep. 162. & 118.* *Ciril in dial. 1.* *Gregor. epiſt. 28.*

2. And firſt let vs ſee what the Generall Coũcell of *Laterã*, held in the yeare of our Lord 1215. vnder INNOCENTIVS *the third*, determineth in this matter. No man (ſayth *Laurentius Surius* in his Preface to this Councell) can doubt of the Authoritie and generalitie of this Councell, becauſe in it were handled matters of Religiõ, & determined alſo with great conſent both of the Latin and Greeke

Surius præfat. in hoc Conc. *Platina in Innocentio 3.*

Church, and in it were preſent the Patriarches of *Conſtantinopole* and *Hieruſalem* in their proper perſons, the Patriarches of *Alexandria* and *Antioche* by their Legates; Archbishops Latin and Greeke 70. Bishops 412. Abbots and Priours aboue 800. the totall number of all the Prelates were at leaſt 1215. The Legates alſo of the Greeke, and Romane Emperours, of the Kinges of *Hieruſalem*, *France*, *Spaine*, *England*, and other Princes, were preſent with the reſt. This *Councell* then, called *the Great* for the number of Prelates, in the Third Chapter, after excommunication pronounced againſt Hereticks, admoniſheth ſecular powers, and commandeth them to purge their countries from Heretikes, and to promiſe the ſame by oath: then the Councell addeth: *Si verò Dominus temporalis &c. But if the Temporall Lord being required and admonished by the Church, shall neglect to purge his land or Territorie from heretical lewdneſſe, let him be excommunicated by the Metropolitane and the reſt of his Comprouinciall Bishops. And if he contemne to ſatisfie within a yeare, let this (his contempt) be ſignified to the Chiefe Bishop (the Pope) that from that tyme he (the Pope) may denounce his vaſſalles freed from all fidelitie vnto him, and may expoſe his land to be poſſeſſed by Catholiks, who (heretickes being exterminated) may poſſeſſe it without any contradiction, and conſerue it in puritie of faith without preiudice to the Principall Lords, ſo that he put no obſtacle nor impediment, the ſame law notwithſtanding obſerued concerning thoſe*

Concil. Later. ſub Innoc. III. cap. 3.

who

who haue not Principall Lords. This Councell I ſuppoſe to be of ſufficient Authoritie, for it was Generall, and in number of Prelates and Bishops ſurpaſſed the firſt Councell of NICE by many; It was of as great Authoritie, as any Councell can be, becauſe the Authoritie to make lawes, and to decide controuerſies, dependeth not of the ſanctitie, but only of the lawfulnes of the Paſtours, and ſeing that theſe Paſtours could ſay as much for their ordination and vocation, as the Fathers of the Councell of NICE could, it muſt needs follow that this Councell (as are alſo all lawfull Generall Councels) was of as great Authoritie as was that of NICE, which our Soueraigne Liege King IAMES admitteth with the other first three Generall Councels, and conſequentlie cannot reiect this, which is of the ſame Authoritie. To ſay that the Pope ſpeaketh onlie of them, who are ſubiect temporally to his Temporall Authoritie which he hath in *Italie*, were ridiculous, becauſe the wordes are Generall; and if they were reſtrained to *Italie*, the decree could haue had little force. To ſay that abſolute Princes are not comprehended in this decree, but onlie inferiour Princes, who holde *feudum Regale* of them, is abſurd; for a little before this alleaged decree, the Coũcell ordained that *ſeculares poteſtates*, *ſecular powers*, muſt take an oath to expell hereticks out of their countries, which wordes *ſecular powers* agree to abſolute

In præf. monit. pag. 37.

ſolute Kings and Emperours, elſe when S. PAVL commaunded that euerie ſoule be ſubiect to higher powers, *poteſtatibus ſublimioribus*, Kinges and Emperours muſt be excepted, becauſe they goe not vnder the name of Powers. And immediatly after this admonition the Councell addeth the alleaged decree: *Si verò Dominus Temporalis &c.* *But if the Temporall Lord &c.* Where she calleth the ſame *Dominos Temporales*, *Temporall Lords*, whom before she called *Poteſtates ſeculares*, *Secular powers*. And are not Kings and Emperours *Domini Temporales*, *Temporall Lords*? yea and principallie, and more properlie to be called ſo, then thoſe Princes that holde of others? If Widdrington would denie this Title to our King, he would be counted a Traytour. And what can they alleage againſt thoſe others ſo expreſſe wordes: *eâdem nihilominus lege ſeruatâ circa eos, qui non habent dominos principales*, *the ſame law not withſtanding obſerued concerning thoſe who haue not principall Lords*? In which words euen Kinges and Emperours are comprehended, for they eſpecially haue no Temporall Lords.

Rom. 13.

3. But let Widdrington vnderſtand by *ſecular powers* and *Temporall Lordes* whome he will (as certes he ſpendeth many wordes to shew that by Temporall and principall Lordes abſolute Princes are not vnderſtoode) if the Pope coulde make a decree of depoſition againſt inferiour Princes, why not againſt ſupreame Princes, they in that they

are

are Christians being as subiect to the Church and her Chiefe Pastour as other Christians of inferiour degree? Widdrington answereth that the Pope and Generall Councell may make a decree of deposition against inferiour magistrates or Lordes by consent and Authoritie giuen them by Soueraigne Princes, but he can not make a decree of deposition against supreame Princes, because they neuer consented, neuer gaue him Authoritie against them selues. Hence Widdrington sayth also, that all temporall mulctes, and punishmentes which the Church decreeth, shee decreeth by authoritie giuen her from Princes, and that therfore in such penall lawes Christians may refuse to obey, till they know that the Prince gaue the Pope, and Councell such Authoritie; yea, that in these lawes they may appeale from Pope, or Generall Councell to the Princes. But as in other thinges, Widdrington to holde vp the cause whose defence he hath vndertaken, is forced to helpe him selfe with the worst opinions, and to seeke authoritie from the obscurest Authours, and these of the least credit; So dealeth he in this: for he is not ignorant, that whatsoeuer some one, or two Authours may say, that all the current of Diuines mislike them in this, and counte it straunge, yea and absurde, to say that all the penall lawes of the Church, which prescribe Temporall mulctes related in the Canon law, and in Councelles, should haue

Widdr. in discussione discussionis Decreti Concil. Lat. sec. 5. A. n. 3.

Idem sec. 5. nu. 15.

haue theire force not from the Councelles and Paſtours, but from Kinges and Princes. For although they confeſſe, that Princes gaue to the Pope his Temporall Demaines, and conſequentlie Temporall and princelie Authoritie within the limites of the ſame; yet in what meeting of Princes, in what Councell, did euer Princes conſpire to giue the Pope Temporall Authoritie through out the whole Church? And in the laſt Generall Councell of Trent in which diuerſe Temporall penalties are decreed, what mention is there of the Princes donation of Authoritie to the Councell? Princes and Emperours by them ſelues or their Legates are preſent at the Councell to protect the Fathers, to aſſiſt them for execution of theire lawes, but that they euer gaue authoritie to the Councell to enact any Temporall law, or that the Fathers of the Councell and the Chiefe Paſtour of the Church demaunded licence and Authoritie of the Emperour or Princes to make ſuch lawes, who euer read? who euer heard? And why could not the Princes, why would not they them ſelues enact ſuch lawes in their owne name (as ſometimes they haue don againſt Heretickes) that being a thinge more honourable for them and leſſe daungerous to them, ſeing that by permitting Popes and Bishops to doe it, they might derogate to their owne authoritie and giue occaſion

occaſion to them to preſcribe againſt them and to do it not in the Princes but in their owne name and Authoritie? And when did WIDDRINGTON heare that any good Chriſtians appealed from the Church and Pope in theſe lawes vnto Princes as to their higheſt Superiours? when did they reiect any of theſe lawes till they had informed them ſelues that they were made not by the Churches but by the Princes authoritie? Certes WIDDRINGTON in this openeth a wide gap for Heretickes and all contemners of the Churches authoritie. And what may he not defend if he be permitted to vſe this libertie and audacitie? As for his Authours we ſhall ſee hereafter in the enſewing thirteenth Chapter, how many they are and of what Authoritie.

4. Wherfore my Argument ſhall proceede as it began in this manner: The Pope by VVIddrington can make a Decree to depoſe inferiour Temporall Lordes *ergo* Supreame Princes, they as Chriſtians being as ſubiect to the Church by Baptiſme (as aboue is ſhewed in the 5. Chapter num. 4. 5. 6.) as much as the loweſt Chriſtians, though in that they are abſolute Princes they haue no Superiour but God in Temporall Authoritie. To ſay that Pope INNOCENT made this Decree of his own head, is but to ſhew great ignorance, for in Generall Councels Popes

ſpeake

ſpeake *ex Cathedra*, and as publick, not priuate perſons; and what they decree, is with the common conſent of all the Biſhops, or the moſt part; elſe if the Pope ſhould do all of his owne head, in vaine ſhould he aſſemble Generall Councels. But that all the Councell and Chriſtian world conſented to this decree, it is cleare enough, for that no mention is made of any variance betwixt the Pope, and the Councell in this matter. To ſay that the true Councell of Laterane is not extant, or that the Canons extant were compiled only by INNOCENTIVS, becauſe in this Councell, the *Councell* of *Laterane* (though not this, but another) is cited and alleadged, are ſo improbable euaſions, that they merit not confutation, and are verie ſufficientlie reiected by the booke called *Diſcuſsio decreti Magni Concilij Lateranenſis*.

5. One thinge there is bearing more shew, which our Aduerſaries might alleage, to wit, that if this Councell did in expreſſe tearmes define that the Pope hath power to depoſe Princes, they would then yeeld, becauſe what a Generall Councell with the Pope defineth directly, and expreſly, is a mattet of faith, and it is hereſie to gainſay it. But ſeing that all thinges ſpoken, or written in a Councell are not matters of faith, (for, as Diuines commonlie ſay, the reaſons which the Councell bringeth for confirmation of her decree,

and

and thoſe things which are ſpoken incidentlie, and the things which are determined as probable, are not of neceſſitie to be beleeued) it ſeemeth that by this decree we are not bound to beleeue that the Pope can depoſe Princes; becauſe though the Pope and Couucell make a decree of depoſition, yet they define not expresly nor *ſub Anathemate, vnder paine of Curſe*, that the Pope can depoſe Princes. *Bellarm. lib 2. de Concil. cap. 11. & 12.*

6. But who ſo pleaſeth to conſider this decree well, and without all paſſion, or partiall affection, muſt needs confeſſe, that this decree ought to be of verie great credit: for firſt the Pope and Councell ſuppoſe at leaſt that the pope can depoſe Princes, elſe they would neuer haue made ſuch a Decree, and conſequentlie this decree argueth that the Pope and all the Prelates, Princes, and Legates preſent, were of that opinion, which no doubt, they being ſo many and ſo learned, muſt needs beare a great ſway amongſt all good Chriſtians; for what they thought, all the Chriſtian world, at leaſt for the moſt part, thought, all receauing and approouing this Councell. But widdringtō will ſay, that he will not denie, but that they all thought ſo piouslie, and probablie, yet becauſe they defined not in expreſſe tearmes that the Pope can depoſe Princes, he will not beleeue it. A peremptorie Anſwer certainlie, and wherin (to ſay no more) the Anſwerer ſhall ſhew him ſelfe

ſelfe verie ſlow and hard of beleefe, and to hardie alſo, who blusheth not to gainſay ſo many learned and godlie Prelates, and whome ſo many graue countenances and Iudgements can not moue.

7. But I will deale yet another Way, and out of the ſelfe ſame decree. Although the Pope and Councell in the alleaged decree do not expreſlie define that Popes can vpon iuſt cauſe depoſe Princes, yet it argueth that they, nor onlie probablie, but verilie, and aſſuredlie thought he could, elſe to haue grounded ſo odious a decree, and iniurious alſo (if the Pope haue not Authoritie) vpon a probable opinion, had bene great rashneſſe. For the Councell had expoſed therby (if the opinion had not bene ſuppoſed moſt aſſured) the King and Common wealth, yea and ſometimes the whole Church to vprores, garboiles, rebellious warres, and ſuch like: And warre should haue bene iuſt alſo on both ſides: For the ſubiects might haue refuſed to obey the depoſed Prince, as being freed by a Generall Councels authoritie from all obligation to him, and being warranted by the ſame Councell, that now he is no more their King, but an vſurper and Inuader, againſt whom euerie particuler man hath *iuſtum bellum*; *iuſt warre*. And ſo as if a forraine Prince should vniuſtlie inuade *France* without iuſt title or wrong receiued, euerie Frenchman might reſiſt him, if he could, because

becauſe he hauing no Title, all the Kingdome, and euerie particuler member hath iuſt warre againſt him; ſo if a Prince deposed perſiſt in gouernment, he is according to the Popes and Councels opinion (which *VViddrington* confeſſeth to be probable) an vſurper and inuader, and conſequentlie euerie one of his former ſubiects hath iuſt warre againſt him, no leſſe then (as all the beſt Philoſophers and Diuines teach) the ſubiectes haue againſt an vſurper of the crowne. And yet this Prince deposed might iuſtlie alſo perſiſt in his poſſeſſion, becauſe no man is bound to forgoe that, to which he hath probable right, being warranted by the rule of the law † *In pari delicto vel cauſa potior eſt conditio poſſidentis. In the like default or cauſe, better is the condition of him that is in poſſeſſion.* And againe: * *Cum ſunt iura partium obſcura, reo fauendum eſt potius quàm Actori. VVhen the rightes of the parties are obſcure, the guiltie or accuſed is to be fauoured before the Actour or accuſer:* But the Prince in this caſe hath, according to *VViddrington*, probable right, and is in poſſeſſion; and he is *reus*, not *Actor*; *ergo* he may ſtand in his owne defence, and by warres defenſiue may maintaine his poſſeſſion: And then to what iniuries and gatboiles the Church ſhould expoſe Kings ſubiects and Kingdomes, and conſequently the whole Church, who ſeeth not, but he that is wilfullie blind, and will not open his eyes? ſo that either the *Councell of Laterane*

Cicero lib. 3. de offic. Herodotus lib. 3. Xiphilin. in Auguſto. Alexād. ab Alex. li. 3. c. 26 D. Th. in 2. d. vlt. q. 2. a. 2. ad 5 Sot. lib. 5. de Iuſt. q. 1. art 3. & alij infra cap. 15. citandi.

† *Reg. 65 de Regulis Iuris, in 6.*

* *Reg. 11 ibid.*

was temerarious and rash to build so perilous a Decree vpon no assured, but only probable opinion; or she thought assuredly that the Pope had such Authoritie; and then euerie obedient Child of the Church should rather follow hers, then *Widdringtons*, and some few his companions opinion. For certes, otherwise as it is iniustice to put one out of his land or house, who hath probable right, and withall possession, because *potior est conditio possidentis, better is the condition of him that is in possession.* So were it open iniustice in the Pope to depriue a King of his Crowne and Kingdome, who hath probable right (because it is, as *Widdrington* saith, but probable, not assured, that the Pope can depose him) and who yet hath possession. He answereth that the Church commandeth the Feast of the Conception, and the Pope hath giuen authoritie to simple Priests to confirme, and moreouer dispensed with Princes in the solemne vow of Religion, which yet are grounded but on probable opinions: But the foresaid Authour in his discussion of this Decree, hath verie well shewed that such inconueniences follow not vpon these Decrees, which are not so dangerous, nor concerne not the whole Church, as this decree doth, but onlie particuler persons, and therfore I will not *actum agere.*

8. But here I can not but obserue how cunninglie *Widdrington* in his new yeares-

gifte

gifte endeauoureth to make his *Reader* beleeue that I made this Argument against my selfe. For wheras I out of the decree of the Generall Coũcell of *Lateran* (which I supposed to be iust) had inferred, that the opinion which holdeth, that the Pope can in some case depose a Prince (on which this decree is grounded) must needes be more then probable, and no lesse then certaine; else if it were but probable that the Pope can depose a Prince, it were probable also that the Prince deposed had still probable Title, and so being in possession, should vniustly be dispossessed; becaus better is the condition of the possessour, who hath probable right: *VViddrington* taketh it for a probable opinion only that the Pope can depose a Prince, (which I alwayes denied and disprooued) and thence inferreth, and (as he would seeme) euen by my argument, and Confession, that the Pope cannot without open iniustice depose a Prince. Where I desire the Reader to note, how I (as all modest Catholickes should doe) doe attribute so much to the *Councelles* decree that by it, I prooue it to be a certaine opinion that the Pope can depose a Prince in some case, else the decree had been vniust: *VViddrington* notwithstanding this decree, holdeth still that it is but a probable opinion, that the Pope can depose a Prince, and thence inferreth, that the Pope can not iustlie depose, and so is not ashamed, nor afraid to confesse in effect

In his newyeares gift pag. 43. and 52.

effect that this decree of that ſo greate, and Generall Councell is vniuſt: which with what modeſtie he can do, I report me to all modeſt Catholickes, and to the iudgement of all iudicious Readers.

9. Laſtlie I will yet trie another waie to perſuade theſe kinde of men, which if they contemne, they can hardlie auoide that *Mat.18.* imputation of Ethnikes and Publicanes, which Chriſt him ſelfe layeth on them that will not heare the Church. For not onlie that, which is expreslie, and *in actu ſignato* defined by the Councell, is to be beleeued vnder paine of hereſie, but alſo that, which *in actu exercito* is defined. I will explicate my ſelf. If the Pope, eſpeciallie with a Generall Councell, decree or enact any Generall law, which he commandeth to be obſerued of the whole Church, he doth not expreſſelie and *in actu ſignato* define the thing to be lawfull which he commandeth, but yet he doth *in actu exercito* and *tacitè* define it to be lawfull, becauſe if he cannot erre in preſcribing generall lawes to the vniuerſall Church (as if he could, the whole Church, which muſt obey her Chiefe Paſtour, ſhould erre with him) it followeth neceſſarily that he hath infallible aſſiſtance in enacting ſuch lawes, and conſequently that it muſt not onlie be probable, but alſo certainly true, yea and ſo true, that it is not onlie temeritie and rashenes, but alſo obſtinate hereſie to holde that it is vnlawfull,

which

which the Pope thus commandeth. This is the opinion of *Bellarmine*, which he prooueth also verie solidlie. The same a learned *Doctour of the Sorbonnes*, and Chiefe Reader in Diuinitie called *Du Valle* holdeth, and (as Diuines knowe) it is the common opinion, though some few holde the contrarie. *Du Valle* hath these wordes: *Hanc autem (infallibilitatem) non minùs, quàm in fidei definitionibus agnoscunt omnes Catholici Doctores.* *But this (Infallibilitie) no lesse then in definitions of faith all Catholick Doctours do acknowledge.* This both *Bellarmine* and he, as others also, prooue by many Arguments. For *First*, if the Pope could command an vnlawfull thing, he should command vice for vertue, and might forbid vertue as vnlawfull: whence should follow that the Church (which must obey her Chiefe Pastour) should erre in a matter necessarie to saluation; for she should imbrace vice for vertue, and imbracinge that, should be no more *Holie*. Yea then the Church should erre in a matter of faith, because if the Pope cõmãd vice for vertue, the Church, which must giue eare to her Chiefe Pastour, should embrace it as lawfull, and consequentlie should embrace a thing against faith; for, as it is against faith to say or thinke that *Christ* is not reallie in the Blessed Sacrament, so is it to say or thinke that vice is vertue: which yet the Chiefe Pastour should teach in commanding, and the Church should beleeue in embracing

Bellarm. lib 4. de Rom. Pont. cap. 5. Du Valle lib. de suprema Rom. Pont. in Eccle. siam potestate part. 2. q. 7.

and obseruing ? Whence I inferre that the former decree of the *Councell* is a matter of faith, and necessarily to be beleeued. For by this decree, the Pope and *Councell* of *Lateran* do absolue the subiects from obedience and fidelitie by a Generall Decree, & do depose the Prince from his Kingdome, which if it were vniust (as it must needs be, if the Pope had no Authoritie) the Pope and Councell should erre in a matter against faith, because the Catholick faith teacheth, that vertue is good, vice is euill and vnlawfull; & yet if this decree of deposition of the Prince and absolution of his subiects from their fidelitie were against iustice, the Church, which must obey her Chiefe Pastour, should be bound to thinke iniustice to be iustice, & vice to be vertue, which is against faith. And therfore if *VViddrington*, notwithstanding this decree, will obstinately holde, that the Pope cannot depose a Prince, or free his subiects from their fidelitie and alleageance, he must graunt, that either the Pope with the Councell commandeth against faith, or that hee disobeyeth against faith, not beleeuing that to be iust, which the Pope decreeth with a Generall Councell. This decree of this Great Councell doth so trouble and pusle *VViddrington* that in his booke intitled *discussio discussionis*, he endeauoureth by many Arguments (though as he would seeme in the name of others) to make this Councell of little credit: which was not

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the Spirit of the learned Cardinall Allan, who in his *Answer to the Libeller* calleth it *the famous Councell of Lateran*, and comming to alleage this decree of the Fathers of that Councell, he thus pronounceth: *These then are the wordes of their most renowned decree.* *Chap. 4.*

10. The same Arguments I may drawe out of the Generall Councell of *Lions*, which hath this decree: *Sacri approbatione Concilij statuimus &c. By the approbation of the holie Councell wee do decree that whatsoeuer Prince, Prelate, or whatsoeuer Ecclesiasticall or secular person shall cause, or command any Christian to bee killed by the aforesayd Murderers (although death therby doe not follow) or shall receaue or defend, or hide them, shall incurre, ipso facto, the sentences of excommunication, and deposition from his dignitie, honour, office, and benefice, and that the same may be giuen freelie toothers by them, to whom the collation appertaineth.* *Cap. 1 de homicidio in 6.*

11. Likewise another Councell of *Lions*, and Generall also, held in the yeare of our Lord 1245. at which were present BALDVINE the Emperour and S. LEWIS of *France*, INNOCENT *the fourth*, who with consent of the Councell deposed FREDERICK *the second*, and absolued his subiects from their oath made vnto him, commanded vnder paine of Excommunication all his adherents to leaue him, and not to obey him as Emperour, & gaue permission to the Electours to choose another in his place. The Decree is this: *Nos itaque super premissis &c. VVe therfore with our brethren, and the Holie Councell* *ExNauclero, Aemilio, Platina.* *Extat. cap. Ad Apostoli-*

ce, de sent. & re iud in 6. Vide etiam Westmo nast. an. 1245. Mat. 16.

Councell hauing premised a diligent deliberation vpon the aforesayd, and many other his hainous excesses; seing that wee, though vnworthie, supplie the place of CHRIST in earth, and that to vs in the person of Blessed Peter it was sayd: VVhatsoeuer thou shalt binde vpon earth, it shalbe bound also in heauen; doe declare and denounce the aforesayd Prince, who hath made him selfe vnworthie of Empire, kingdomes, and all honour and dignitie, and who for his iniquities is reiected of God from raygning and ruling, to be tyed in his own sinnes, and as an abiect, depriued of all honour and dignitie: and yet not withstanding by sentence wee depriue him, and absoluing perpetuallie all who are bound to him by oath of fidelitie from this oath, do by Apostolicall Authoritie firmelie forbid that any hence forth doe obey him as Emperour &c.

12. GREGORIE the seuenth in a Councell at Rome in the yeare of our Lord 1076. excommunicated and deposed HENRIE the fourth for many his insolences, outrages, and enormities. The Excommunication beginneth thus: *Beate Petre Apostolorum Princeps, inclina, quaesumus, pias aures tuas nobis, & audi me seruum tuum, quem ab infantia nutristi, & vsque ad hunc diem de manu iniquorum liberasti, qui me pro tua fidelitate oderunt & odiunt. Tu mihi testis es, & Domina mea Mater Dei, & Beatus Paulus frater tuus inter omnes sanctos, quod tua Sancta Romana Ecclesia me inuitum ad sua gubernacula traxit &c.* Blessed Peter Prince of the Apostles, we beseech thee to incline thy pious eares vnto vs, and to heare me thy seruant, whom from my infancie thou hast nourished, and vnto this day hast deliuered from the

Vide Baron. an 1076. n. 25.

handes

handes of the wicked, who haue hated and do hate mee for my fidelitie towards thee. Thou art my witnesse, as is also my Ladie the Mother of God, and Blessed Paul thy brother amongest all the Saintes, that thy holie Romane Church drew mee against my will to her gouernment &c. Then a little after he addeth the Excommunication and deposition it selfe: *Hac itaque fiducia fretus, pro Ecclesia tua honore & defensione, ex parte omnipotentis Dei Patris, & Filij, & Spiritus Sancti, per tuam potestatem & Authoritatem, Henrico Regi Filio Henrici Imperatoris, qui contra tuam Ecclesiam inauditâ superbiâ insurrexit, totius Regni Teutonicorum & Italiæ gubernacula contradico, & omnes Christianos à vinculo iuramenti, quod sibi fecere & facient, absoluo; & vt nullus ei sicut Regi seruiat interdico &c.* Therfore building vpon this confidence, for the honour and defence of the Church, in the behalfe of the omnipotent God, the Father, the Sonne, and the Holie Ghost, by thy power and Authoritie, I do take from King Henrie the sonne of Henrie the Emperour, who by an vnwonted pride neuer heard of hath made insurrection against thy Church, the gouernment of the whole Kingdome of the Almaines and of Italie, and do absolue all Christians from the bond of oath, which they haue made, or shall make vnto him, & I do forbid any to serue him as King. But because the Emperour, after this, submitted him selfe, and promised by solemne oath satisfaction, and shewed exteriourly great penance; the Pope to shew that he desired not his deposition, but as a meanes to the Churches true peace, and his saluation, absolued him from

excommunication in the Caſtle of CANVSIVM, where then the Pope was, and admitted him to the Maſſe, which he celebrated: and in the Maſſe called the Emperour vnto the Altar, and holding the Bleſſed Sacrament in his hand, ſaid to the Emperour: *Ego iam pridem à te tuisque fautoribus literas accepi, quibus me inſimulaſti ſedem Apoſtolicam per ſimoniacam hæreſim occupaſſe. I long ſince haue receiued letters from thee and from thy fautours, by which thou haſt accuſed mee to haue entred into poſſeſsion of the apoſtolicall ſeate by Simoniacall hereſie.* And though (ſaith he) I could bring other teſtimonie of thoſe that knew my life from my Childhood, and were Authors of my promotion: *ego tamen* (ſaith he) *ne humano potiùs quàm diuino niti videar teſtimonio, vt ſatisfactionis compendio omnem omnibus ſcandali ſcrupulum de medio auferam: Ecce Corpus Dominicum, quod ſumpturus ero, in experimentum mihi hodie fiat Innocentia mea, vt omnipotens Deus ſuo me hodie iudicio vel abſoluat obiecti criminis ſuſpicione, ſi innocens ſum, vel ſubitanea interimat morte, ſi reus ſum.* Yet I (ſaith he) *leaſt I ſhould ſeeme rather to leane vnto humane teſtimonie, then diuine, that I may by a compendious ſatisfaction take from all, all ſcruple of ſcandall; behould our Lords Bodie which I ſhall take and receaue, let it be to mee this day a triall or experiment of myne Innocencie, that Almigthy God may this day either abſolue me by his Iudgement from ſuſpicion of the crime obiected againſt mee, if I be Innocent, or may kill me by ſodain death, if I be guiltie.* Then he demaũded of the Emperour, whether he would

would make the like proteſtation, but he hauing a guiltie conſcience durſt not. After this the Emperour contemning all former promiſes and oathes, returned to his vomit. Wherfore the ſame Pope in the Councell alſo at ROME anno 1080. excommunicated him againe, and againe declared him ſtill depoſed, being before onlie abſolued from excommunication, and admitted to the Communion.

10. But *VViddrington* excepteth againſt this Councell, for that it was not Generall. But certes the Authoritie of this Councell is ſufficient to moue any true Chriſtian hart, and child of the Church. For many thinges giue this Councell great credit: *Firſt* (as *Schulckenius* well obſerueth) it was confirmed by the Pope, which (according to the common opinion) makes a matter of faith, becauſe to PETER, and conſequentlie to the Pope it was ſayd: *& ſuper hanc Petram ædificabo Eccleſiam meam: and vpon this Rocke will I build my Church*, and to him CHRIST ſayd: *Ego rogaui pro te Petre vt non deficiat fides tua: & tu aliquando conuerſus, confirma fratres tuos. I haue prayed for thee, PETER, that thy faith fayle not; and thou once conuerted confirme thy brethren.* Where CHRIST, prayed for PETER as a publick perſon, and that he might not erre in teaching others, becauſe CHRIST prayed for him, that he might confirme others, and ſo if the Chiefe Paſtour do ſpeake *ex Cathedra*, though not in a Generall, but only in a Prouinciall Councell,

Widdr. Diſput. Theol. c. 3. ſect. 1. n. 8.

Schulck. in Apol. pro Bellarm. pag. 260.

Luc. 22.

Councell, it makes a matter of faith, according to the cõmon *a* opinion. For although many hereſies were condemned by Generall Councels, yet farre more by Popes with their ordinarie Councell, or Prouinciall Councels onely, as the *Quartadecimi* by Pope VICTOR, the *Nouatians* by CORNELIVS, the *Pelagians* by INNOCENTIVS and ZOZIMVS, and many other hereticks and hereſies by other Popes without Generall Councels. All which to call in queſtion were to bring into doubt many Decretall Epiſtles, and to giue a great ſcope to many Hereticks to plead not guiltie, as not being condemned by a Generall Councell. *Secondlie* the Pope that decreed the depoſition of HENRIE *the fourth* was a great Saint, who was brought vp, as him ſelfe often confeſſeth, from a child in the ſchoole of S. PETER, and ſo knew well the practiſe of the Church: he wrought myracles liuing and dead, and left many other teſtimonies of his great ſanctitie, and innocencie of life. All which is abundantly teſtified by diuers authors, whome *b Bellarmine* citeth, and is recorded alſo by *c Baronius*. *Thirdlie* his ſucceſſours VICTOR *the third*, VRBANVS *the ſecond*, PASCHALIS, and others approoued this ſentence of Excommunication and depoſition. *Fourthlie*, all the Chriſtian world, except a few Schiſmatikes followers of the Emperour, and the Antipape whom he ſett vp, fauoured and approoued the ſentence, as is eaſie to be ſeene

a D. Th. 2.2. q. 1. art. 10. Waldēſ. lib. 2. doctrin. Fidei cap. 47. et 48 Turrecr. l. 2. ſumma. cap. 109. Driedo lib. 4. de Eccleſ. dogm. ca. 3. par. 3. Caiet. in opuſc. de poteſtate Papæ & Conc. ca. 9. Canus lib. 6. de loeis, c. 7. Bellarm. lib. 4. de Pont. c. 2. Du Valle l. de ſupr. Pōt. Author. par. 2. q. 1. & alij.

b Bellar. lib. 4. de Rom. Pont. cap. 13.

ſeene in *d Baronius*. WILLIAM the Cõquerour King of *England*, PHILIP King of *France*, ALPHONSVS King of *Caſtile*, CANVTVS King of *Denmarke*, ROBERT Count of *Flanders*, and other Princes held with GREGORIE *the ſeuenth*. Yea the learnedſt and holyeſt Bishops, and Abbots were all for GREGORIE *the ſeuenth*, as HVGO Abbot of *Clunie*, BERNARDVS Abbot of *Maſſilia*, DESIDERIVS Abbot of *Caßina*, and after ſucceſſour to Pope GREGORIE, choſen ſo much againſt his will, that for a yeere he would not vndertake the charge, S. ALPHONSE Bishop of *Salernum*, our learned LANFRANC Archbishop of *Canterburie*, Sainct ANSELME Bishop of *Luca*, to whom *Vrſpergenſis*, though a Schiſmatick, giueth this commendation: *Anſelmus Lucenſis literis apprimè eruditus, ingenio acutiſſimus, facundia præcipuus, & quod omnibus maius eſt, in Dei timore & ſancta conuerſatione nominatiſſimus, adeo vt tam in vitâ, quàm poſt mortem reſeratur miraculis clarus. Anſelme of Luca greatlie learned, moſt sharpe of witt, principall in Eloquence, and (which is more then all) moſt famous for his feare of God and holie conuerſation, in ſo much that he is ſayd to haue floriſhed with miracles in his life tyme and after his death.* So this Schiſmaticke, who followed the Emperour, and *Guibert* the Antipape, ſaith of him. This S. ANSELME wrote an Epiſtle to *Guibert* the Antipape, in which he compared GREGORIE *the ſeuenth* to S. CORNELIVS Pope, and called *Guibert* the Antipape *à Preuaricatour*. *Laſtlie* all the Chriſtian

c *Baron. tom.* 11. *an.* 1084. *n.* 10. & *an.* 1085. *n.* 11. & 13.

d *Baron. to.* 11. *in Greg.* 7.

Abbas Vrſperg. ad an. 1080.

Baron. anno 1080. *num.* 29.

stian world, sauing the Schismatikes, applauded it, none called this deposition in question, none but Schismatikes doubted of his Authoritie. So that the Emperour was deposed, as it were by consent of the whole Church.

14. I could alleage also that this Councell, in which HENRIE *the fourth* was deposed, did not onlie depose him, but also did define that the Pope can depose Princes: for to the same Councell, as BARONIVS affirmeth, appertaine GREGORIE *the seuenth* his *Breuiores sententiæ, shorter sentences*, which are intitled *Dictatus Papæ*, amongst which this is one: *Quod Papæ liceat Reges deponere. That it is lawfull for the Pope to depose Kinges.* Another is: *Quod à fidelitate iniquorum subiectos potest absoluere. That he can absolue subiects from their fidelitie promised to wicked (Kinges,)* Neither are Widdringtons exceptions against these shorte sentences, and definitions of any moment. As for example; Suppose (sayth he) these sentences were defined in that Councell of Rome; *Quomodo tibi constat ea tanquam propositiones ad fidem pertinentes, & non vt probabiles solùm assertiones definitas esse? How knowest thou that those propositions are defined as appertaining to faith, and not as probable assertions only?* By which exception he might except almost against all the Canons in all the Generall Councels, and euen against the Generall Councell of Trent, in whose Canons he shall finde *Anathema* pronounced but seldome

Baron. tom. 11. an. 1076. num. 31.

Widdr. Disput. Theol. c. 3. sect. 1. n. 6.

dome in the doctrine defined in the Chapters; And ſo when the Councell defineth any thing, he might ſay, vnleſſe an *Anathema* be added, as alwaies it is not, that what the Councell defineth, was defined but as probable. He excepteth alſo that in an other of theſe definitiõs it is defined *quod Romanus Pontifex ſi Canonicè fuerit ordinatus, meritis* B. PETRI *indubitanter ſanctus efficitur: That the Roman Biſhop, if he be Canonicallie ordained, is made vndoubtedlie a ſaint by the merites of* S. PETER: which is true taken in the right ſence, becauſe though euerie Pope be not a ſaint in life and manners, yet he is a ſainct in office, becauſe his office is holy, and ſo euen Emperours are holie, and therefore be ſtiled *Sacra Maieſtas, Sacred Maieſtie*. Many other Councels I could alleage, as *Bellarmine* and *Schulckennius* haue done: but theſe ſhall ſuffice, all Generall Councels yea and prouinciall alſo, if they be confirmed by the Pope (according to the common opinion) being of infallible Authoritie. Who liſteth to ſee the other Councels, let him read the Authours prealleadged.

Widdr. ſupra, n. 7.

Bell. li. 5 de Rom. Pont. c. 8. & tract. de poteſt. ſum. Põt. contra Barcl. pag. 28. & ſeqq. Schulck. pag. 29.

CHAP. XII.

CHAPTER XII.

By the facts of the holy and learned Bishops of Rome, *especially before* Gregorie the seauenth, *the same power is confirmed.*

1. MY Argumentes, which I shall bring in this Chapter I groũd in the factes of Popes, whom *Bellarmine*, *Schuickenius*, and others commonlie produce, to prooue that the Pope can depose Princes. For although Popes may erre in matters of fact, yet if it had bene an vniust, and not to them an assured matter, so many, so learned, and so holie Popes, would neuer haue attempted such a thing. And many of these depositions were decreed in Councels also. *Schulkenius* hath produced twenty eight Popes that haue denounced deposition against Emperours, Kings, and Princes. I shall content my self with the Popes, who before GREGORIE *the seuenth* haue medled with crownes and scepters; partlie because our Aduersaries affirme that GREGORIE *the Seuenth* was the first that medled with Temporall states of Princes; partlie because they confesse that GREGORIE *the Seuenth*, and others after him, haue deposed Princes; partlie also because they seeme to giue more credit to those

Bellarm. supra, & Schulck. pag 36. Azor. to. 2. lib. 10. cap. 8.

thoſe former, then theſe later Popes, although in deed all haue the ſame Authoritie of which only, and not of ſanctitie of life, depoſition dependeth,

2. S. GREGORIE *the Great*, in two Epiſtle, threatneth depoſition, not onlie againſt Bishops and Prieſts, but alſo againſt Kings, Iudges, and whatſoeuer ſecular perſons that shall be ſo hardie as to infringe or violate priuileges by him graunted to the AVGVSTVNENSES, and to the Monaſterie of S. MEDARD. For he ſayth in the firſt place: *Si quis Regum &c. If any King, Prieſt, Iudge, or ſecular perſon acknowledging the tenour of this our conſtitution shall preſume to do contrarie thereunto, poteſtatis, honoriſque ſui dignitate careat, let him want the dignitie of his power and honour.* In the ſecond place he ſayth: *Si quis autem Regnum &c. But if any King, Prelate, Iudge or other ſecular perſon whatſoeuer shall violate or contradict the decrees of this Apoſtolicke authoritie and our command, or shall diſquiet and trouble the Brothers (of the Monaſterie) or shall ordaine otherwiſe then thus, cuiuſcunque dignitatis vel ſublimitatis ſit, honore priuetur, of what dignitie or place ſoeuer he be, let him be depriued of his honour.* Which is an argument that S. GREGORIE thought he could depriue them; as thoſe alſo muſt needs haue acknowledged, who ſubſcribed to the later of the foreſaied decrees, to wit, thirtie Bishops of ſeuerall countries and Prouinces, together with the Kinge and Queene of France. *Greg. li. 11. epiſt. 10. & lib. 12. epiſt. 32.*

3. S. GREGORIE *the second*, as aboue, depriued LEO *Isauricus* of *Italie*, and the Gabelles of that prouince.* Some attribute this to GREGORIE *the third*; but the reason is, because he confirmed the former excommunication and deposition anno 730.

4. ZACHARIAS Pope deposed CHILDERIC King of *France*, freed all his subiects from their fidelitie to him, and gaue his Kingdome to PIPINE Father to CHARLES *the Great*, and before *Maior domus*. This *Ado Viennensis*, *Cedrenus*, *Rhegino*, *Sigibert*, *Paulus Aemilius*, *Fasciculus Temporum*, *Otho Frisingensis*, *Marianus Scotus*, *Paulus Diaconus*, and S. *Bonifacie* do auouch. True it is that the Peeres and Nobles of *France* desired it, and sent Legates to the Pope; but the Pope was he, by whose Authoritie he was deposed, what soeuer *Barclaie* and *VViddrington* say to the contrarie. And therefore the *Olde Chronicon of France*, sett forth by *Pitheus*, sayth that the Pope sayd, it was better he should be King, who had all the power (as PIPINE being *Maior Domus* had, the King doing nothing) then he that had the name onlie: *dataque authoritate suâ iussit* PIPINVM *Francorum Regem instituì*; *and by power giuen, commanded Pipine to be instituted King*. Likewise the Authour of *Fasciculus Temporum* saith: *Ipse* (ZACHARIAS) *regem Francorum, scilicet* CHILDERICVM, *deposuit*: ZACHARIAS *did depose the King of the French, to wit*, CHILDERIC. And after addeth: *Et hinc patet potestas Ecclesiæ quanta fuerit hoc tempore, qui regum*

Cedrenus & Zonaras in vita Leonis Isauri.
Sigebert. in Chron. an. 728. & alij.
* *Platina in Gregorio III.*
Ado in Chrō. an. 744. Ced. in vita Leonis Isauri. Rheg. li. 2 Chron. Sigebert. an. 750. Paul. Aemil. li. 2. de rebus gest. Frāc Fasc. Tēp. in Zach. Otho Frising. li. 5. hist. c. 55. Marian. Scot. li. 3. Paulus Diac. li. 6 deff. Longob. ca. 5. Bonif. ep. ad Zach. Pont.

gnum illud famoſiſſimum tranſtulit de veris hæredibus, ad genu PIPINI *propter legitimam cauſam: And here appeareth how great was the power of the Church at this tyme, ſeing that he* (ZACHARIAS) *did transferre that moſt famous Kingdome from the true heires, to the familie of* PIPINE, *vpon a iuſt cauſe. Rhegino ſayth: Per authoritatem Apoſtolicam, iuſſit Pipinum Regem creari. By the Apoſtolicall Authoritie he commanded* PIPINE *to be created King:* The ſame writeth *Marianus Scotus* ſaying: *Tunc* ZACHARIAS *Papa ex authoritate S. Petri Apoſtoli mandat populo Francorum, vt* PIPINVS, *qui poteſtate Regia vtebatur, etiam nominis dignitate frueretur: Then* ZACHARIAS *by the Authoritie of S. Peter the Apoſtle commandeth the people of the Frẽch, that* PIPINE, *who exerciſed the Regall power, ſhould alſo enioy the name of the dignitie.* Beſides this, *Paulus Æmilius* relateth that one *Burchardus* a Bishop, made an oration to him to perſwade him to it; for the Pope at firſt feared to vndertake a matter of ſo great importance; yet when he conſidered how all the French deſired Pipine, *Francos Sacramento Regi* CHILDERICO *dicto ſoluit: he freed the French from their oath made to King* CHILDERIC.

5. LEO *the third* Pope, a holy Prelate, to whom God miraculouſlie reſtored both his eyes and tongue, of which he was barbarouſly depriued by certaine emulatours, created and anointed CHARLES *the Great* Emperour, and made his ſonne King, as *Anaſtaſius* (whom *Baronius* alleageth) declareth at large: which no ſooner was done, *Anaſtaſ. apud Baron. an. 799.*

but the Romanes cried: *Carolo piſſime, Auguſto, à Deo coronato, magno, pacifico Imperatori, vita & victoria.* And the Authour of *Faſciculus Temporum* ſayth, that CHARLES tooke the Diademe of the Empire from Pope LEO *the third*, *Zonaras*, *Cedrenus*, *Paulus Diaconus*, *Ado*, *Albertus Krantius*, *Otho Friſingenſis*, *Marianus Scotus*, and all Chroniclers, whom Cardinall *Bellarmine* alleadgeth affirme the ſame. Yea the *Magdeburgians* in blaſpheming that this Translation of the Empire was one of the Chiefe miracles of Antichriſt, affirme it. And although *Marſilius* of *Padua* (whome *Barclay* and *VViddrington* are enforced to followe againſt the torrent of all good Autours) affirmeth that the people of Rome were the Authours of this Translation; yet Cardinall *Bellarmine* plainlie demonſtrateth the contrarie, not only by all Hiſtoriographers, who attribute this to the Pope, but alſo by this, that the people of *Rome*, if they had any Authoritie to chooſe the Emperour, had loſt it when the ſeat of the Empire was translated to *Conſtantinople*, and therfore for the ſpace of fiue hundred yeares, that is, from CONSTANTINE *the Great*, to CHARLES *the Great*, neuer medled with chooſing the Emperour. Yea, as Cardinall *Bellarmine* ſheweth, the people of *Rome* neuer medled with the election of the Emperour, for that he came to the Empire either by hereditarie deſcent, or by acclamation of the ſouldiours.

Vide Baron. an. 800. & Azor. to. 2. lib. 10. Inſtit. mor. c. 8.

Bell. li. 5. de Rom. Pontif. cap. 8. Magdeburg cēt. 8. ca. 10. col. 751.

Lib. 5. de Roman. Pontif. cap. 8. §. ad alios, & ſeqq.

6. GRE-

6. GREGORIE *the Fifte* also instituted the seuen Electours and gaue them Authoritie to chooſe the Emperour, which manner is vſed to this daie. So *Platina*, *Blondus*, *Naucleru*s, and others alleaged by Cardinal *Bellarmine* in the place aboue noted. Wherfore as Cardinall *Bellarmine* doth, ſo do I vrge our aduerſaries with this *dilemma*: Either the Pope did ſufficiently transferre the Empire to CHARLES *the Great*, and inſtitute the ſeuen Electours, or no: If he did, then he hath power to diſpoſe of Temporall Kingdomes; If he did not, then the Emperours are not legitimate, nor the Electours ſufficient. GREGORIE *the ſeuenth* is alleadged in the former Chapter.

7. Theſe Popes I thought good to alleadge, that our Aduerſaries may ſee, that it is not true which they ſay, to wit, that GREGORIE *the ſeuenth* was the firſt that challenged to himſelf power to diſpoſe of kingdomes, for all the alleadged were before GREGORIE *the ſeuenth*. The reſt of the Popes who haue depoſed Princes, he that deſireth to know, may read Cardinall *Bellarmine* againſt *Barclay*, and *Schulkenius* againſt *Widdrington*. Conformable to theſe factes of Popes is the the Doctrine of S. *Thomas* of *Aquin* that great light of the Church, which he deliuereth vnto vs in theſe wordes. *Infidelitatem illorum qui fidem ſuſceperunt poteſt* (Eccleſia) *punire, & conuenienter in hoc puniuntur quod ſubditis fidelibus dominari non poſſint. Hoc enim vergere poſſet in* 2.2.q.12 art.2.

magnam fidei corruptionem, quia (vt dictum est, homo Apostata prauo corde machinatur malum & iurgia seminat, intendens homines separare a fide. Et ideo quàm citò aliquis per sententiam denuntiatur excommunicatus propter Apostasiam a fide, ipso facto eius subditi sunt absoluti a Dominio eius, & Iuramento Fidelitatis: The infidelitie of those who haue receaued the faith, the Church may punish by sentence, and conuenientlie in this are they punished, that they may not beare rule ouer faithfull (Christian) subiectes. For this might turne to a great corruption of Faith, because (as it is sayd) a man Apostata with a wicked harte doth plott euill and soweth brawels, intending to separate men from Faith. And therefore so soone as any one is by sentence denounced excommunicated for Apostasie from Faith, ipso facto, by and by, his subiectes are absolued from his Dominion, and from the Oathe of Fidelitie. Thus this learned Doctour pronounceth: and therby iustifieth these factes of these holie Popes.

CHAP. XIII.

CHAPTER XIII.

By the number of Doctours, *who haue imbraced the opinion, that giueth this power to the Pope, the same doctrine is prooued? betwixt the number, grauity, and authority of which Doctours, and those who stand for* VViddringtons *opinion, there is no comparison to be made.*

1. THis proofe will not be of least force, because the voice of the Chiefe Doctours of the Church is the voice of the whole Church, which neuer dissenteth from that, which her Doctours commonly teach her: and seing that the voice of the Doctours is the voice of CHRIST (according to that: *qui vos audit, me audit; he that heareth you, heareth mee*) and that the Church is *the pillar of truth*; if euer *vox populi* be *vox Dei*, *the voice of the people, the voice of God*: this sentéce which the Church prononnceth partelie by her Chiefe Pastours and Councels, partelie by her Doctours, must especially be of God. But because *Bellarmine* hath exactlie sett downe their wordes, I will onlie for breuitie sake set downe their names, referring the Reader to him for their sentences.

Luc. 10.

1. *Tim.* 3.

Tract. de potest. Sum. Pont. aduersus Barclaium in initio.

2. Out of *Italie* he alleageth *Gregorie the seuēth* (to whō may be added those Prelates, who, as

as aboue wee haue ſeene, allowed of his depoſing of HENRIE *the fourth*) *S. Thomas of Aquin*, *S. Bonauenture*, *Aegidius Romanus*, *B. Auguſtinus Triumphus*, *B. Ioannes de Capiſtrano*, *S. Antoninus*, *Iſidorus Mediolanenſes*, *Gabriel Biel*, *Thomas Caietan*, *Alexander de S. Elpidio*, *Petrus de Monte Venetus*, *Petrus Ancharanus*, *Sylueſter Prieras*, *Aſtenſis*, *Nicholaus Abbas Parnomitanus*, *Ioannes de Anania*, *Bartholdus*, *Baldus*, *Petrus Andreas Gambara*, *Reſtaurus Caſtaldus*, *Dominicus Cardinalis Tuſcus*: to whom may be added Cardinal *Bellarmine* himſelfe, & Cardinall *Baron.*

3. Out of *France* he alleageth *S. Bernard*, (whoſe wordes aboue are cited) *Petrus de Palude* Patriarch of *Hieruſalem*, *Durand* Biſhop of *Meux*, *Herueus* Generall of the Dominicans, *Iacobus Almain*, *Henricus Cardinalis Oſtienſis*, *Petrus Bertrandus* Cardinall and Biſhop, *Ioannes de Sylua*, *Stephanus Aufrerius*, *Guilielmus Durandus* called *Speculator*, *Ioannes Faber*, *Aegidius Bellamera* Biſhop of *Auinion*, *Ioannes Quintinus*, *Remundus Ruffus*, to whom may be added *Genebrard*, *Andreas du Vallius*, and others.

4. Out of Spaine *S. Raimundus*, *Pelagius Aluarus*, *Ioannes de Turretremata* Cardinall, *Cyprianus Benetus Arragonenſis*, *Franciſcus Victoria*, *Dominicus à Soto*, *Alphonſus de Caſtro*, *Iacobus Simanca*, *Dominicus Bannes*, *Martinus Ledeſmius*, *Gregorius de Valentia*, *Guilielmus de Monſerat Catalanus*, *Alphonſus Aluarez*, *Antonius Cordubenſis*, *Ludouicus Molina*, *Didacus Couarruuias*, *Ferdinandus Vaſquius*, *Michael de Aninyon*, *Martinus Nauarrus*, to whom now may be added two other

other learned Diuines *Franciſcus Suarez*, and *Gabriel Vaſquez*.

5. Out of *Germanie* he produceth *Stephanus Albeſtanenſis* Bishop, *Hugo de Sancto Victore*, *Henricus de Gandauo*, *Vlricus*, *Dionyſius Carthuſianus*, *Ioannes Driedo*, *Albertus Pighius*, *Iacobus Latomus*, *Conradus Brunus*: and to theſe may be added *Adolphus Schulkenius*, and *Leſsius*.

6. Out of *England* he bringeth *Alexander of Hales* a learned Profeſſour of Diuinitie, and Maiſter to S. *Thomas of Aquin* and S. *Bonauenture*, *Holcot*, *Franciſcus Mayronus*, *Ioannes Bachonus*, *Thomas VValdenſis* Prouinciall in his time in *England* of the order of *Carmelites*, and one of the learnedſt of his age, Cardinall *Pole*, Doctour *Sanders*: To whome may be added Cardinall *Allen* in his Apologie, and Anſwer to the libeller, Doct. *Stapleton*, Mr. *Reynolds*, and diuers others of our learned writers ſince King HENRIE *the Eight* his time.

7. Dareth now our aduerſarie shew his face againſt ſuch an ample Senate of Doctours, and learned men? can he thinke himſelfe a good Catholicke that holdeth againſt Catholick Councells, Chiefe Paſtours, Doctours, yea and the Catholicke Church, which neuer diſſented from her Doctours and Paſtours? He will ſay that he wanteth not Doctours alſo. O the Doctours! I graunt he may alleadge Heretickes for his opinion, for in this he conſpireth with them; for although, as wee ſhall ſee anone, they arrogate to them ſelues this power, yet

they denie it to the Pope. Nay, sayth *VViddrington*, I haue Catholicke Doctours also to countenance my opinion, and to free it from Heresie, yea temeritie. And who be these his Authours? He alleageth *Occam, Ioannes Parisiensis, Dantes* the Poet, *Almainus, Ioannes Maior, Hugo, Vulcurumus, Albericus*, and others. But either these Authours were Schismatickes, as *Sigebert*; or they expresse auerre the contrarie to that, for which he alleadgeth them as *Ocham* and *Almaine*; or finally they neither affirme; the Popes power, nor denie it in deposing Princes: And so onlie fiue or six, as *Dantes* the Poet, *Sigebert* the Schismatick, *Barclay, Bochell. and Lescherius* expresse holde with *VViddrington*, as *Schulckenius* hath shewed particularlie of euerie one of the authors he alleageth. And what are these obscure Authonrs to Scriptures, Councels, Popes, Practise of the Church, so many learned Authours of *Italie, France, Spaine, Germanie* and *England*, as are produced? But that the Reader may see more plainelie how little authoritie *Widdrington* purchaseth to his opinion by his Authours, I shall examine some of them in particular.

Schulck. pag. 131.

8. *VViddrington* in his *Apologie* and *Theologicall Disputation* and *Newyeares-guift* alleageth out of *Ioannes Azorius* diuerse Authours as patrones of his opinion and seemeth to endeauour to bring in AZORIVS him selfe amongest them, though by the head and shoulders. IOANNES AZORIVS *a famous Iesuit*

Apol. n. 4 Disput. Theolog. sec. 3. c. 3. n. 4. New yeares-guift pa. 54.

Ieſuit (ſayth he) *affirmeth that it hath euer been a great controuerſie betwixt Emperours and Kinges on the one ſide and the Biſhops of Rome on the other whether in ſome certaine caſes the Pope hath a right and power to depriue Kinges of their Kingdomes &c.* And he alleageth diuerſe Authours out of *Azorius* who fauour his opinion. But *Firſt* although he might haue ſome reaſon to alleage thoſe Authours, yet I can not ſee what reaſon he had to alleage them out of *Azorius*; for if he would therby make his Reader beleeue that *Azorius* alloweth his opinion for probable in that it is countenaunced by theſe Authours by him alleaged, he abuſeth his Reader, for that AZORIVS condemneth theſe his Authours and cõſequentlie him ſelfe verie deepelie: whoſoeuer pleaſeth to reade AZORIVS ſhall ſee that he diſputing this Queſtion alleageth for the firſt opinion, which denieth the Pope Authoritie of depoſing Princes in ſome caſes, Lutherans, Caluiniſtes, and Marſilius Patauinus an heretick, and after that he ſayeth, *non longè ab his fuerunt Gulielmus Ocham, &c. not farre different from theſe (heretickes) were William Ocham, and Ioannes Pariſienſis Diuines, and Dantes the Florentine Poet, and Almainus tract. de ſuprem. poteſt. hujcâ quaſt. 3. Maior in 4. diſt. 24. quaſt. 3. concl. 3. who haue followed Ocham.* And then he addeth: *hanc ſententiam Marſilij temerariam & errorem continentem ipſe Marſilius & alij colligere ſe arbitrabantur, imprimis &c.* This *temerarious opinion and which containeth errour, Marſilius* and

Tom. 2. lib. 4. inſtit. moral. c. 19.

and others thought they might gather first &c. And after that he addeth: *reuera nisi labi & errare velimus, negare omnino non possumus penes Romanum Pontificem esse iure diuino vtramque potestatem: trulie if we will not be deceaued and erre, we can not at all deny, but that the Romane Bishop hath both authorities.* And after he prooueth this out of the canon Law, by Diuines also and Lawiers. The same *Azorius* addeth to these fauourers of *VViddringtons* opinion *Hugo, Michael vulcurunus*, and *Albericus*, but condemneth them, and prooueth out of *Bartolus l. 1. ff. de requirendis reis §. vlt:* that *Dantes* was after his death almost condemned of heresie, and he alleageth *Antonius 3. p. tit. 22, cap. 5. §. 2.* who sayeth that *Dantes in hoc errauit, erred in this*: and so is put in the Index amongst prohibited authours, and his booke of Monarchie condemned: and of *Albericus* he sayeth he is *cautè legendus, warilie to be read*, and confuteth what he saith. Wheras therfore *Azorius* sayeth, *that it hath euer been a great controuersie betwixt Emperours and Kinges, on the one side and the Bishop of Rome on the other &c.* (whence *VViddrington* would inferre that his opinion were disputable and probable) *Azorius* meaneth not, that it hath been a controuersie betwixt Bishops of Rome and all Emperours and Kinges; for seing that he coūteth this opinion of *VViddrington* temetarious and erroneous, therin he should condemne all Emperours and Kinges of temeritie and errour: buche meaneth schismaticall or heretical

Tom. 2. lib. 10. Instit. mor. c. 6.

reticall Emperours and Kinges, eſpeciallie ſuch as the Bishops of Rome haue depoſed, who to holde their crownes, ſtood to it, that the Pope could not depoſe them: wherupon their followers complained of GREGORIE *the ſeuenth*. And therfore in GREGORIE *the ſeuenth* his time, when the greateſt controuerſie was abour rhis matter, none but the Emperour depoſed, and his followers *Schiſmatickes* as he was, did contradict the Popes ſentence of depoſition: yea then the *Kinge of England* William the Conquerour, *Alphonſus* Kinge of Caſtile, *Philip* King of Fraunce, *Kanutus* King of Denmarcke, Count Robert of Flaunders, and other Princes held league and amitie with GREGORIE *the ſeuenth* againſt the Emperour and his Antipope, as may be ſeene in *Baronius* in his *eleuenth Tome*. Yea the Emperour depoſed, pleading that he could not be depoſed but for hereſie, confeſſed that he might haue been depoſed for hereſie: *Traditio Patrum eſt* (ſayth he) *me ſolius Dei iudicio obnoxium eſſe, niſi (quod abſit) a Catholicâ fide deuiauerim. It is a Tradition of the Fathers, that I am ſubiect onlie to Gods iudgement, vnleſſe (which God forbid) I ſhould ſwarue from the Catholicke faith.*

Baron. tom. 11. an. 1084 Et anno 1085. n. 11. & 12 in Greg. 7. Epiſt. ad Greg. 7. quam referunt Magdeburgēſes Cent. 11. cap. 8. de Schiſmatibus circa med.

9. But let vs come to his Authours in particular, of which I ſhall examin onlie them whom *Azorius*, and whom he him ſelfe alleageth in his *Newyeares-gift* which he firſt dedicated in English to Engliſch Catholickes, and now hath ſet it out in Latin

Latin and commended it to the Kinge our Soueraigne. The Authours whom *Azorius* alleageth are *Ocham*, *Ioannes Parisiensis*, *Dantes*, *Almainus*, *Maior*, *Hugo*, *Michael Vulcurunus*, and *Albericus*. To whome Widdringtō in his Newyeares-guift addeth *Trithemius*, *Petrus Pithaw*, *D. Barclay*, the 13. Englisch Priests and Confessours, the court of Parlament at Paris. But first suppose all these were plainelie, of Widdringtons opinion yet I could make three generall exceptions against them. The first is becawse manie of these Authours are no Diuines and so their testimonie can not make Widdringtons opinion which is belonging to Diuinitie probable: becawse as *Aristotle* and *Vasquez*, alleaged by Widdrington, affirme; that opinion is probable which is approoued by wise, learned, and skilfull men in that arte, but many of Widdringtons Authours are not Diuines: *ergo* they can not make Widdringtons opinion probable. And by this Argument I can except against *Trithemius* an historiographer, *Dantes* a poet, *Albericus*, *Bochellus* and *Barclay* lawers: becawse *ne sutor extra crepidam*: *Et vnicuique in suâ arte credendum.* The second is becawse diuerse of these Authours haue their reputation stayned and their credit cracked; and if the testimonie of infamous personnes is not admitted in Temporall affaires much lesse in matters belonging to faith and Diuinitie; by which I might except against *Dantes* who was as *Bartholus* sayth, suspected at least of heresie

In his Newyeares gift c. 3. pag. 51. Arist. 1. Top. 8. & Vasq. apud eādem. Disput. Theol. cap. 10. sec. 2. nu. 22.

hereſie: and who is regiſtred in the Index of forbidden Authours: againſt *Ocham* who was Penſioner of the Schiſmaticall Emperour, was excommunicated of the Pope for ſome errours and was the enemie of Pope JOHN the 22. as *Trithemius* and *Genebrard* in Chron. do auouch, and his bookes are prohibited in the *Index* of forbidden bookes as alſo are the bookes of *Antonius de Roſellis* an other of WIDDRINGTONS Authours, and him particulerlie Nauarre and Poſſeuine do condēne. The third exception is that either they ſay nothing for him or againſt him, and ſo I except againſt the reſt. But although this were ſufficient to reiect Widdringtons Authours, yet I will examine them in particuler, and shew that moſt of them do not onlie not fauour him, but do playnlie contradict him.

Nauar. relec. in cap. norunt, de iudiciis, Poſſeuin. in apparatu ſacro.

10. Amongſt theſe let OCHAM ſpeake firſt becauſe he is the principall, or let ALMAINVS ſpeake out of his mouth and writinges, that ſo at once we may ſee both their opiniōs. ALMAINVS then who iumpeth in this point of doctrine with OCHAM and ſpeaketh out of his mouth, in a certaine little booke of ſupreame Eccleſiaſticall power which containeth an expoſition of *Ochams* deciſions hath theſe wordes: *non dedit Chriſtus poteſtatem (Petro) laicos ſuis proprietatibus ac dominiis priuandi, niſi in caſu ſi contingeret Principem ſaecularem abuti re ſuâ in perniciem Chriſtianitatis vel fidei: ita quod ille abuſus eſſet maximo*

Lib. de ſuprem. poteſt. cap. 9.

nocumento pro conſecutione fœlicitatis æterne. Non negat Ochamus, quin in tali caſu Papa poſſit eum deponere, etſi alij Doctores hoc negant, quamuis habeat poteſtatem declarandi ipſum eſſe deponendum. Chriſt gaue not Power to Peter to depriue laiemen of their proprieties and dominios, except in caſe it should happen that a Prince should abuſe his power to the deſtruction of Chriſtianitie or faith, in ſo much that the abuſe should be a great domage to the attayning of eternall fœlicitie. Ocham denieth not but that in ſuch a caſe the Pope may depoſe him, though other Doctours do denie this, though he haue power to declare him to be depoſed. The ſame *Almainus* in the ſame booke bringeth in *Ocham* anſwering to the firſt Argument thus: *Ad* 1. *Reſpondet Doctor* (Ochamus) *tranſeat Maior; & ad Minorem notat Doctor quod Imperator poteſt eſſe dignus depoſitione dupliciter: vno modo propter crimen ſpirituale, vt propter hæreſim quia hæreticus & Schiſmaticus, & vtitur poteſtate eius in detrimentum Chriſtianitatis: Alio modo propter crimen ciuile, vtpotè negligit adminiſtrare iuſtitiam &c. Tumſi Imperator ſit dignus depoſitione propter crimen primi generis, puta propter crimen ſpirituale poteſt deponi a Papa, cum habeat plenam poteſtatem in puniendis peccatis ſpiritualibus.* To the firſt (Argument) the Doctour (Ocham) *anſwereth, let the Maior propoſition paſſe, and touching the Minor Propoſition, the Doctour* (Ocham) *noteth that the Emperour may be worthie depoſition two wayes: ne way for a ſpirituall crime as hereſie, becauſe an hereticke and Schiſmaticke, and vſeth his power to the detriment of Chriſtianitie: An other way, for a ciuill crime, becauſe he neglecteth*

q. 2. c. 5

neglecteth to administer Iustice &c. Then, if the Emperour be worthie deposition for a crime of the first kinde, to wit for a spirituall crime, he may be deposed by the Pope, be hauing full power to punish spirituall crimes. And againe in the same Chapter answering to the fourth allegation, he bringeth in Ocham thus answering: *dicit Doctor quod Papa potest transferre imperium, sed hoc est solum casualiter, hoc est, quando non est Iudex secularis: ita si desit congregatio populi, potest Papa transferre, & hoc casualiter. Secundo potest pro crimine purè spirituali, vt si gens illius imperij efficeretur hæretica, vel transferret se ad aliam sectam, dimittendo sectam Christianam, posset propter hoc Papa illam Gentem priuare dignitate Imperiali, & transferre in aliam gentem, sed hoc non est regulariter, sed solùm causaliter. Regulariter potest pro crimine hæresis, sed non pro crimine ciuili, nisi casualiter, puta in defectu illius qui potest.* The Doctour (Ocham) sayth, that the Pope can transferre the Empire (from the Grecians to the Germans) but this onlie casuallie, that is, when there is no secular Iudge: so if the Congregation of the people be wanting, the Pope can transferre (the Empire) and this casuallie. Secondlie he can for a crime merelie spirituall, as if the nation of that Empire should become hereticall or should transferre it selfe to an other secte relinquishing the Christian secte, for this, the Pope might depriue that nation of Imperiall dignitie, and so transferre it to an other nation. But this is not regularlie (or ordinarilie) but onlie casuallie. Regularlie he can (depose) for the crime of heresie, but not for a ciuill crime, vnlesse casuallie, to wit in the defect of an other that can.

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So that *Ocham* and *Almainus* are quite opposite to *VViddrington*; for *VViddrington* sayth the Pope can depose the Prince, or dispose of temporall Kingdomes in no case; they say he can regularlie depose and dispote in case of Schisme or Heresie, and casuallie for a Ciuill faulte and crime, that is, when the secular Iudge, Prince or common wealth is wanting. *VViddrington* obiecteth that *Almainus* auerreth, that *de ratione potestatis laicæ est pœnam ciuilem posse infligere, vt sunt mors, exilium, bonorum priuatio, sed nullam talem pœnam ex institutione diuina infligere potest Ecclesiastica potestas; imo nec incarcerare, vt plerisque Doctoribus placet, sed ad solam pœnam spiritualem extenditur, vtpote excommunicationem &c. It is pertaining to the nature of Laicall power to inflict a ciuill payne, as death, Banishment, and priuation of goodes; but the Ecclesiasticall power can inflict no such punishment by the diuine institution: yea it can not imprison, as many Doctours thinke, but it is onlie extended to a spirituall punishment, as excommunication &c.* But Widdrington should haue expounded *Almainus by Almainus*, vnlesse he will make him flatlie to contradict him selfe, and so to adde little credit to his opinion. And therefore when *Almainus* sayth that *the Ecclesiasticall power can inflict no Temporall punishment*, he meaneth that it can not *regularlie* and for a ciuill crime, but graunteth with *Ocham* in the expresse wordes alleaged, that it may inflict a Temporall punishment *casuallie* for a Ciuill crime, and *regularlie* for the crime of heresie.

In his Newyearesgift pag. 45. Almain. q. in vesperiis. vltra medium.

But

But perchaunce Widdrington hath better lucke in his other Authours.

11. An other Authour of his is *Ioannes Parisiensis who* (as *Trithemius* testifieth) *was a Deuine well seen in Scriptures, who taught publickelie in Paris &c.* And what sayth he? *If the Kinge* (sayth he) *were an heretick, and incorrigible, and a contemner of the Ecclesiasticall censure, the Pope might do some thing in the people, wherby that King might be depriued of his honour and deposed, by excommunicating all them to whom it belongeth to depose him &c.* To this Authour I answer first that he hath other positions also in that his tract which sound not well. Secondlie as he sayth to little for the truth so he sayth to much for *VViddrington* and for the oath which he defendeth: for as he sayth the Pope by him selfe can not depose the Prince, so he sayth he can depose him by the people in that he can commaund them vnder paine of excõmunication to depose him; wherein he fauoureth the Prince as little as if he had sayd the Pope by him selfe can depose him: for whether the Prince be deposed immediatlie, or mediatlie by the Pope, it is all one to the Prince, it being as hard for the Prince to be deposed by the people at the Popes commaundement, as by the Popes immediat Authoritie.

Ioan. Parisiens. tract. de potest. Regia & Papale. Trithem. de script. Eccl. an. 1280.

12. After *Dantes* and *Almainus* whome we haue alreadie examined, followeth *Ioannes Maior*, who yet sayth no lesse then *Ioannes Parisiensis*: for he after he hath denied the Pope

In 4. d. 24 q. 3. ad 3. et 4

to be direct Lord, or that all Princes are his vassalles to be constituted and deposed at his will (in which I also with all diuines will not let to agree) sayth, *si intelligatur habere dominium in temporalibus casualiter, &c. if he be vnderstood to haue dominion in Temporall thinges casuallie, and that he can do much to the deposition of Kinges, by persuading, counseling, yea and by prouoking others to the sword against them* (Kinges) *when they are destroyers and altogeather vnprofitable spoylers of Christian faith and cõmon wealth, this is more gentlie to be borne, neither is it against my sayinges.* Hvgo cited by the Glosse, as *Schulkennius* obserueth, sayth not that the Pope can not depose the Emperour in case of heresie, but onlie that he hath his authoritie from God. *Michael Vulcurunus* (as *Schulkennius* also obserueth) standeth in plaine tearmes against *VVidarington* and therefore was not wiselie alleaged by him: for he sayth *that in case the Emperour or King should be rebellious to the Pope, and would not assist him in necessitie, he might expell such a Prince out of the Church, and by this he shall be sayd to be expelled out of his Kingdome, seing that he who hath rule ouer Christians ought to be Catholicke*: and a little after: *but yet* (sayth he) *if the Emperour, or any other King be incorrigible in respect of faith, and of a great and manifest sinne, the Pope might depose or depriue such a man.* *Albericus*, as appeareth by that which *Trithemius* sayth of him, doubteth onlie whether certaine decretalles disposing of Temporall matters be iust. *Qua decretales an sint iustæ Deus nouit: nullã enim earum*

In cap. causam que. Qui filij sint legitimi.

Lib. de Regim. mundi par. 2. q. 2. princ. num. 82

Trithem. de Scrip. Eccl. an. 1340.

salua

ſaluo meliori conſilio (& ſi erroneum foret reuoco) credo Iuri conſonam: which decretalles whether they be iuſt or no, God knoweth, for I thinke, not gaineſaying better counſell (and if it were erroneus I recall it) that none of theſe decretalles are conformable to Law. I anſwer that this man was a Lawier, no Diuine, and ſo being not skilfull in that ſcience, is not of Authoritie in a matter of diuinitie. Secondlie he is doubtefull him ſelfe, readie to recall what he ſayth, and ſo can giue no aſſurance to others.

13. *Trithemius* is an other Authour, and him *VViddrington* often bringeth on the ſtage. *Trithemius* (ſayth he in his *Theologicall Diſputation*, and in his *Newyearesgift*) *Abbot of the order of S. Benedict, a man of greate learning and pietie ſayd, that the Queſtion whether the Pope can depoſe a Prince or no, was diſputed amongſt ſchoole Diuines, and yet not determined by the Iudge.* And indeede *Trithemius* hath theſe woordes. *Ipſe autem Henricus 4. primus eſt inter omnes Imperatores per Papam depoſitus. Scholaſtici certant, & adhuc ſub iudice lis eſt, vtrum Papa Imperatorem poſſit deponere: quam quæſtionem cum ad nos non pertineat, indiſcuſſam relinquamus. Henrie the fourth was the firſt amongſt all Emperours that was depoſed by the Pope. The Schoole Diuines do contend, and as yet it is not decided by the Iudge, whether the Pope cã depoſe an Emperour: which queſtion becauſe it pertaineth not to vs, let vs leaue vndiſcuſſed.* I anſwer *firſt* that *Trithemius* was only a Chronographer and Hiſtoriographer, and ſo his wordes are of no more authoritie then *Ioannes de Sacroboſco* his

Diſput. Theolog. cap. 2. n. 5. Newyearesgift. pag. 45. Trithem. in Chrõ. Monaſt. Hirſangienſis anno 1106.

verdict in a case of Law, for as *Vasquez* sayth (and *VViddrington* aboue confesseth) the Authours who can make an opinion probable must be *skilfull in that art or science*; which *Trithemius* him selfe knew, and therefore *leaueth this question vndiscussed*. *Secondly* I answer that *Trithemius* speaketh of HENRIE *the fourth* Emperour, who though he had committed many insolences against the Pope and Church, and had set vp an *Antipope &c.* (which his enormities *Trithemius* calleth *scelera inaudita*) yet he professed him selfe a Catholicke, and so the Schoole Diuines, to wit, *Ocham*, *Almainus* and such others as I haue related (for others *VViddrington* can not alleage) disputed whether he could be deposed he being or pretending to be no hereticke, as appeareth by his Epistle to GREGORIE *the seuenth*; and what they resolued we haue seene.

aboue alleaged.

Widdr. In his Newyeares gifte pag. 46. Disput. Theol. c. 3. sec. 3. num. 13. Petrus Pithæus Cod. libert. Eccl. Gallican.

14. *Petrus Pithæus* (sayth *VViddrington*) a man, (as Posseuin sayth) *truly learned and a diligent searcher of Antiquities*, *affirmeth that the libertie of the Church of Fraunce is grounded in this Principle which Fraunce hath euer held for certaine, that the Pope hath not power to deprive the French Kinge of his kingdome, or in any other manner to dispose thereof: and that notwithstanding any whatsoeuer monitions, or monitories, excommunications, or Interdicts which by the Pope can be made, yet the subiectes are bounde to yeeld obedience due to the King for Temporalles, neither therin can they be dispensed or absolued by the Pope.* And in his *Disput.*

Theologicall

Theologicall, he ſayth that *Pithæus out of a generall* *Maxim which Fraunce* (that is, as he putteth in the margent, the greater part) *euer approoued, deduceth this particular propoſition, that the Pope can not depriue the French* Kinge *of his Kingdome.* But firſt here we ſee *VViddrington* aſcribeth two thinges to *Pithæus* which ſeeme to imply contradiction: for in his Newyearesgift he makes him ſay that the libertie of the Church of Fraunce is groũded in this Principle; *that the Pope hath not power to depriue the* Kinge *of his* Kingdome. And in his *Theologicall Diſputation*, he ſayth that *Pithæus* out of a certaine generall Maxim deduced this particuler propoſition, *that the Pope can not giue the* Kingedome *of Freunce into prey, nor depriue the* Kinge *of it.* And ſo he maketh this poſition, *That the Pope can not depriue the* King *of Fraunce*, both a generall *Maxime* in which the libertie of the Church of Fraunce is grounded, and alſo a particuler propoſition deduced out of a generall *Maxim*, which he nameth not: which two thinges, how they cohere, let *VViddrington* looke. And certes I can not imagin any *Maxim* receaued in Fraunce, out of which either *VViddrington* or *Pithæus* can deduce that the Pope can in no caſe depriue the King. And if there were any ſuch *Maxim* receaued in Fraunce, that learned Prelat *Cardinall Perone* in his eloquent oration made in the Chamber of the Third eſtate not onlie in his owne name, but alſo in the name of all the Nobilitie and Clergie

Cap. 3. *ſec.* 3. *num.* 13.

of Fraunce, would neuer haue dared before ſuch curious Auditours, to vtter theſe wordes following: *now if thoſe who haue of ſet purpoſe laboured in fauour of the oath of England* (he putteth in the margent *VViddrington*) *to find out Authours who haue affirmed that in caſe of hereſie or infidelitie, the ſubiects could not be abſolued from the obligation, that they owe to their Princes, could not find out any one: and if thoſe who haue ſince written of the ſame ſubiect in Fraunce could neuer find out in all Fraũce* (note theſe wordes) *ſince the time that Schooles of Diuinitie haue been inſtituted and ſett open till this day, one onlie Doctour, neither Diuine, nor Lawier, nor Decree, nor Councell, nor determination, nor acte of Parlament, nor Magiſtrat either Eccleſiaſticall or Politicke, who hath ſayd that in caſe of hereſie or infidelitie the ſubiects can not be abſolued from the oath of fidelitie which they owe to their Princes: on the contrarie, if all thoſe who haue written for the defence of the Temporall power of Kinges, haue euer excepted the caſe of hereſie and Apoſtaſie from Chriſtian Religion: how is it that they can without enforcing of Conſciences, make men not onlie to receaue this doctrine that in no caſe the ſubiectes can be abſolued from the oath of Allegeance they owe to theire Princes, for a perpetuall and vniuerſall doctrine of the French Church, &c.* Thus he. whereby it is manifeſt, that there is no ſuch receaued *Maxime* in Fraunce, out of which *Pithaw* or *Widdrington* can deduce that the Pope in no caſe can depriue the King of Fraunce. And what the opinion of the moſt Chriſtian

Kingdo-

Kingdome of Fraunce at this preſent is, may well appeare by this, that all the nobilitie and Clergie, the two moſt worthie Partes and members, of that Realme in the yeare 1615. reiected an oath like to the oath of *England, as pernicious, cauſe of Schiſme, & the open gappe to hereſie*, as our moſt *Excellent and learned King* in his Preface to his declaratiõ for the right of Kinges ſet forth in Frẽch the ſame yeare, confeſſeth, though in a cõplaining manner, and as it is to be ſeene in the Oration of the ſayd *Cardinall* ſent to our ſayd *Soueraigne*. And although the *Tierce eſtate* propoſed an oath like to that of *England*, yet that was but one and the loweſt of the three eſtates, and, as *Cardinal Perone* affirmeth, they had their leſſons giuen them from *England*.

15. He alleageth alſo out of *Bochellus* the Teſtimonie of *Cardinall Pelue*, and other Prelates, who in an aſſemblie at Paris 1595. reiected the Decree of the *Councell* of *Trent* ſeſſ. 25. cap. 19. by which it is forbidden Kinges to permitte Duelles vnder payne of looſing the citie or place in which they permitte a Duelle. *Concilium Tridentiuũ (inquiunt) excommunicat, & priuat Regem ciuitate illâ vel loco in quo permittit fieri duellum. Hic Articulus eſt contra authoritatem Regis, qui non poteſt priuari ſuo dominio temporali, reſpectu cuius nullum Superiorem recognoſcit.* The Councell of Trent (*ſay they*) *excommunicateth and depriueth a Kinge of that Citie or place, in which he permitteth a duelle to be made. This Article is againſt the*

Authoritie

Authoritie of the Kinge who can not be depriued of his temporall Dominion in respect of which he acknowledgeth no Superiour. I answer that it is not credible that *Cardinall Pelue* and those *Prelates* would thus reiect the *Councell* of *Trent*, or affirme that the Pope can not depriue the King: and least I may seeme to doe iniurie to Bochellus in not crediting him, I shall giue reasones for it, for first as *Schulkenius* sheweth, he thrustes into the Decrees of the Church of Fraunce, and reckeneth amongest her liberties many scandalous thinges: and to omitte many of them which *Schulkennius* noteth, I will note onlie two or three of his absurdities, which I haue seen in his book. In his Preface to the Reader he sheweth him selfe no good Catholicke in carping vniustelie and saucilie at that venerable Councell of *Trent*, saying: *quantas nouissimis temporibus, vbique terrarum excitarit turbas Synodus Tridentina, nemo est qui nesciat: what troubles in these latter times, the Councell of Trent hath stirred vp, no man is ignorant.* And in an other place: he seekes to exempt the King of Fraunce and his Officers from Excommunication, as though they could not be excõmunicated by their Pastour, wherin whilest he would exalt his King he depresseth him so lowe, as that he maketh him of *Christianissimus* (which title he hath worthilie long enioyed) not to be *Christianus*: because if he be a Christian he is a sheepe of Christ, and consequentlie of S. PETER to whom Christ

Cap. 3. pag. 111.

Bochel. in praef. ad lectorem.

Lib. 2. tit. 16. cap. 3.

Christ committed his sheepe, and consequentlie also of the Bishop of Rome his successour, yea and of other Pastoures: and therefore for a iust cause may be by them seuered from the folde by Excommunication. Likewise in his 5. booke he setteth downe an extract of many of the Decrees of the Councell of *Trent*, which (like to no good Catholicke) he reiecteth as contrarie to the libertie and practise of Fraunce. Yea in many places vpon the least occasion he glaunceth against that holie and renowned Councell. Wherefore as in other thinges, so in this which he fathereth on Cardinall *Pelue* and other Prelates, he deserueth no credit. Secondlie the imputation which he layeth on them is so absurd, that I can not beleeue that they who were well seene in the Councelles Decrees, would euer reiect that Decree of the Couucell: becausse that Decree onlie depriueth a Kinge of the citie, place, or Dominion which he holdeth of the Church, as is manifest by those wordes *qu d ab Ecclesia obtinent*: *which they holde of the Church*; wherfore either the Kinge of Fraunce holdeth some citie or demaine of the Pope and Church, or he doth not. If he do, no marueile that the Pope can in that case depriue him, the Pope being in this his Temporall Lord of whome he holdeth that Temporall Dominion: if he be not, that extract of BOCHELLVS is most absurd which he setteth downe in these french wordes. *Le concile*

Ioan.21. Pasce oues meas.

Lib. 5. c. 45. pag. 906. en Extraic. d'aucuns articles du Concile de Trent.

Concil. Trid. sess. 25. c. 19.

Bochell. lib. 5. tit. 20. c. 45. pag. 916 Le extraict d' aucuns articles du Concile de Trent.

concile excommunie & priue le Roy de la Ville ou lieu, ou il aurà permis vn duel seſſ. 25. cap. 19. the Councell of Trent excommunicateth and depriueth the Kinge of the towne, or place, where he shall permitte a duelle seſſ. 25. cap. 19. where we see that he ascribeth to the Councell, as though it did absolutelie depriue the King of whatsoeuer towne or place, wheras the Councell depriueth him onlie of that towne or place which he holdeth of the Church. And therefore these wordes following (*Ceſte Article eſt contre l' authoritie du Roy, qui ne peut eſtre priué de ſon temporel ou partie d'iceluy, pour le regard duquel il ne recognoit aucun Superieur quelque il ſoit. This Article is against the Authoritie of the Kinge, who can not be depriued of his temporallities or any part therof, in respect of which he acknowledgeth no Superiour.*) these wordes, I say, are most absurde and vnworthie that graue Assemblie, not vnbeseeming *Bochellus* whose spirit they resemble. Wherefore this booke of *Bochellus* is forbidden to be printed or solde in Catholicke countries, where the Councell of *Trent* is receaued, and where a Censor librorum is appointed. And yet such authours *Widdrington* is enforced to fly vnto.

16. He alleageth also Mr. *George Blacwell* the late Archprieſt, who in his examination, and as *Widdrington* sayth, euen to his death persisted in *Widdringtons* opinion concerning both the oath and deposition of Kinges. But it is well knowne to many, that *Mr. Blacwell* whileſt he was at libertie, was so Zealous for the

the Popes Authoritie depoſing, that he thought it a matter of faith. And I haue heard a Catholicke Gentleman named, who viſiting *M. Blacwell* in Priſon, ſayd vnto him: *did not you M. Blacwell, heretofore tell me that the oath of allegeance was in no caſe lawfull?* And *Widdrington* him ſelfe knoweth that in a certaine conference betwixt the Archprieſt and other Prieſts at which, *VViddrington* him ſelfe was preſent, Mr. Archprieſt ſayd he thought the Pope had Authoritie to depoſe a Prince, but yet, matters ſtanding as they did, he could not lawfullie exerciſe it. Yea in that conference alſo WIDDRINGTON him ſelfe was ZEALOVS for this the Popes authoritie, though after his impriſonment, and after his Chiefe Paſtours Breues which should haue confirmed him, he hath chaunged his opinion. Let then the Reader iudge of what Authoritie the wordes of a fearfull olde man then Priſoner, and ſtraightlie examined, are, he eſpeciallie hauing auerred the contrarie when he was at libertie? what elſe can hence be gathered, then that rather out of feare then Iudgement, he allowed the oath when he was in his Aduerſaries handes, of whom otherwiſe he expected all rigour. And perchaunce WIDDRINGTON him ſelfe, who before his impriſonement was ſo Zealous for the Popes authoritie, and againſt the oath, hath not now ſo much chaunged his minde as his tounge, nor

ſpeaketh

ſpeaketh not ſo much out of iudgement and opinion as out of feare or fainteneſſe of harte. And now that he hath begun, he thinkes he muſt go forward.

17. Laſtely he alleageth in all his bookes the 13. Reuerend Prieſtes, thinking by their Authoritie and credit (for they were graue and learned men, conſtant confeſſours, and twoe of them glorious martirs) to grace and credit his opinion. But becauſe they are able enough to anſwer for them ſelues, I will not entermeddle my ſelfe in other mens matters, onlie in a worde or two I will anſwer what in effect I thinke they might anſwer, and what I haue heard ſome of them anſwer. And this I thought good to do for 2. reaſones: firſt for the reſpect and loue I beare to them, they being of my coate, and principall men of the English Clergie, which ſo conſtantlie hath borne the brunt of a longe perſecution, that it may be an example to all other Clergies, and a mirrour to furure ages. Secondly leaſt I should do them iniurie: For if I anſwering to *VViddringtons* other Authours, should ſay nothing of theſe by *VViddrington* ſo often alleaged, I might giue occaſion to the world to thinke, that I paſſed theſe with ſilence becauſe they were ſo manifeſt fautours of *VViddringtons* opinion, as I could not tell what to ſay in their defence. I anſwer *Firſt* that this their proteſtation was by them made before the Popes Breues came forth, that is

Anno

Anno 1603. and therfore bee it that then they were of that opinion; yet seing that since the *Breues* were published, they professe and protest the contrarie, as *VViddrington* well knoweth, and that one of them yet liuing, whilest he was in prison, sayd he would not take the oath for the Bishopricke of London, and two others of them (*Mr. Drurie* and *Mr. Cadwallader*) suffred death rather then they would take the oath; *VViddrington* hath no more reason to alleage them now for the oath, then I may haue to alleage now *VViddrington* against the oath, because once he stood against it. If WIDDRINGTON say they should not haue chaũged their opinion; I must tell him, that they had more reason to chaũge their opinion vpon their Chiefe Pastours commandement, then *VViddrington* hath to chaunge his opinion against his Chiefe Pastours commandement. This I say supposing they had once been of that opinion, as they Protest they neuer were, and therfore in their Protestation alleaged by *VViddrington*, do giue *the Pope as much authoritie as S. Peter had*, and professe that their intentions were not in any wise to diminish his authoritie. *Secondly* I answer that towardes the end of Queene Elizabethes raigne it was signified to certain Priestes thẽ being in London, that the Queenes Maiestie was then so well affected to her Catholicke subiectes, that she profered thẽ free vse of Religion, prouided that she might haue secu-

ritie

ritie giuen for their fidelitie, of which by reaſon of Pius Quintus ſentence of Excommunication and depoſition pronounced againſt her, she ſeemed to ſtand in feare. These 13. Reuerend Prieſtes eaſilie induced to beleeue that which they ſo much deſired, and fearefull not to giue way to ſo great a good pretended to English Catholickes, were content to make that Proteſtation which *Widdrington* ſetteth downe, by which they proteſt that they acknowledge her *to haue as full Authoritie, power, and Soueraigntie ouer vs, and ouer all the ſubiectes in the Realme, as any her Highneſſe Predeceſſours had.* And wheras *Widdrington* maketh this inference; *ergo* to make this their fact and Proteſtation lawfull, they muſt needes deny that the Pope had authoritie to depoſe Qneene Elizabeth: I deny that his conſequence, and that for manie reaſons. For firſt although I will not be ſo bolde as to examine whether *Pius Quintus* had iuſt cauſe to depoſe Queene *Elizabeth*, but rather ſuppoſe he had, nor whether the 13. Prieſtes thought, or might iuſtlie thinke that he had no iuſt cauſe; yet the Pope may haue Authoritie to excommunicate and depoſe, and yet if there want iuſt cauſe, his ſentence shall be inualid and of no force. And ſo it followeth not; the 13. Prieſtes acknowledged the Queene lawfull Queene after the ſentence of depoſition, *ergo* they thought the Pope could not depoſe her, becauſe the ſentence might be inualid, not

Diſput. Theol. cap. 3. ſec. 3. num. 11.

for

for want of Authoritie in the Pope, but for want of iuſt cauſe in the Queene. So WIDDRINGTON affirmeth that the Catholickes of *England* may take the oath notwithſtãding thePopes commandement to the contrarie: and if one should thence inferre, *ergo* he thinketh the Pope hath no Authoritie to cõmaund, he would deny the Conſequẽce, and ſay, that the commandement wanteth force to oblige, not for want of Authoritie, but by reaſon that it proceedeth from ill information. So in the ſame Chapter, he confeſſeth, that the Archprieſt hath power to take from the Prieſtes, who holde the oath to be lawfull, their faculties: and yet if he should, he would ſay they were not taken away, not for wante of power, but for want of iuſt cauſe. So Father *Perſonnes* alleaged by *Widdrington*, ſayth: *Si enim quæſtio eßet de facto &c. for if the queſtion were of fatte* (as this is of the 13. Prieſtes) *to wit whether the Pope in this, or that caſe can depoſe or extommunicate this, or that Prince, vpon theſe or theſe cauſes, or whether the former Popes haue done right in this, or otherwiſe, then ſome of theſe reaſons which you affirme are alleaged by your frindes, might be admitted into conſideration, whether it would be to edification or deſtruction, whether it would bringe with it commoditie or diſcommoditie, whether it would be profitable or hurtfull, or whether there were cauſes ſufficient or not. (for no man defendeth, that the Pope can depoſe without iuſt cauſe) or whether due admonition (of which in your letters there is mention) hath been made.*

Diſput. Theol. cap. 10.

Diſput. Theol. cap. 10. ſec. 2. n. 54.

Thirdlie ſuppoſe the ſentence of *Pius Quintus* where valid and iuſt (as the contrarie is not eaſilie to be thought of a man of ſuch Authoritie and ſanctitie) and conſequentlie that the Queene was iuſtlie and trulie depoſed: yet the 13. Prieſtes might promiſſe to obey her in Temporall and lawfull matters, becauſe they might thinke, that the Queene would notwithſtanding the ſentence ſtill raigne and gouerne, and would perſecute with loſſe of goods, libertie, and liues all thoſe, that would not obey her; and ſeing that ſuch domages excuſe from the ſentence of excommunication, and giue leaue to communicate with the Prince excommunicated, and to obey him in all lawfull matters; the 13. Prieſtes ſuppoſing otherwiſe the daunger of incurring theſe domages, might promiſſe obedience to the Queene in all lawfull matters. Wherefore Diuines & Caſuiſts haue in theſe two verſes comprehended all the thinges which excuſe from excommunication, and make communication with the excommunicat perſons lawfull:

Hæc Anathema quidem faciunt ne poſſit obeſſe:
Vtile, lex, humile, res ignorata, neceſſe.

Thirdly and laſtly I anſwer, that although the ſentence of excommunication and depoſition againſt Queene ELIZABETH were valid, and conſequentlie she trulie depoſed and depriued of all Regall Authoritie, yet the 13. Prieſtes at the time when they made

that

that their Proteſtation might acknowledge Queene ELIZABETH to be their lawfull Queene, and to haue as full Authoritie as any her predeceſſours had: becauſe that ſentence of PIVS QVINTVS might at that time be abrogated, and of no force, and ſo ceaſe to bind, and conſequentlie the Prieſtes might acknowledge, that then she had as full power as she had before the ſentēce, and as much right and Authoritie as any of her Predeceſſours. And indeede that PIVS QVINTVS ſentence did at that time ceaſe to binde, it may be gathered by this, that thirtie three yeares had paſſed from her depoſition vnto the time in which theſe 13. Prieſts made their Proteſtation: all which time as well Catholickes as Proteſtāts obeyed her as Queene, the Popes then raigning knowing, and not reclayming, and conſequentlie conſenting: which conſent of the ſubiectes of England and Popes of Rome, was ſufficiēt to abrogate the former ſentence, and conſequentlie to putte Queene ELIZABETH in the ſame eſtate she was in before the ſentence. And that this tacit conſent is ſufficiēt to abrogat either poſitiue law or ſentence, I prooue by *Vaſq.* wordes, whome *VViddrington* ſo often alleageth. For *Vaſquez* iūping herein with the common opinion of Diuines and Lawiers, thus pronounceth. *Cum Princeps ſciens vſum eum approbat, vel non improbat, naſcitur conſuetudo quæ habet vim legis, vel quæ ſufficit ad derogandum legi antea latæ, quia Princeps non improbans* *Vaſq. 1. 2. Diſp. 177. c. 2. p. 17.*

bans vſum, cenſetur illum approbare: when the Prince knowing the vſe, doth approoue it, or doth not diſproone it, there ariſeth a cuſtome which hath the force of a law, or which ſufficeth to derogate to the law before made, becauſe the Prince not diſproouing an vſe, it thought to approoue it. This is the doctrine of Diuines and Lawiers, which *VViddrington* him ſelfe approoueth in diuerſe places. Wherefore ſeing that in *England* the ſentence of *Pius Quintus* pronounced againſt Queene *Elizabeth*, was not obſerued for three and thirtie yeares before the thirteene Prieſts Proteſtation, and that all that while euen the Catholickes obeyed her as Queene, the Popes knowing and not contradicting, yea ſome of them (as I haue heard of Pope *Gregorie* the 13. and *Clement* the 8.) expreſſelie approouing, it followeth that at the time of the 13. Prieſts Proteſtation, the ſentence of depoſition by contrarie vſe and cuſtome, was abrogated, and ſo Queene ELIZABETH was at that time in the ſame ſtate ſhe was in before the ſentence, and conſequẽtlie might be acknowledged for true Queene, and to haue as full power, and Authoritie, as any of her Predeceſſours. But becauſe *widdrington* may alleage, that theſe 13. reuerẽd Prieſts not ōlie promiſed that they would acknowledge Q. *Elizabeth*, notwithſtanding any ſentence alreadie pronoūced; but alſo *notwithſtanding any Authoritie, or any Excōmunication whatſoeuer, either denoūced, or to be denounced, to yeeld vnto her Maieſtie all obediẽce in tẽporall cauſes*, I anſwer that the 13.

Widdr. Diſput. Theol. c. 6. ſec. 3. n. 25. 27. 28.

Reuerend

Reuerend Prieſts might acknowledge in the Pope authoritie to depoſe the Queene, and yet promiſe her obedience in Lawfull thinges, ſuppoſing the ſentence would be inualid for ſome of the aforeſayd cauſes, and not for want of authoritie. Againe, they might thinke that if the Queene would giue for herafter libertie of Conſcience, as was pretended, and continue the ſame, as the 13. Prieſts might hope, the Pope should haue no cauſe to Excommunicate or depoſe her, and therfore would not, or if he would, they might imagine that in that caſe he could not iuſtlie, nor without great iniurie to the Catholickes of England, proceede ſo againſt her, that, being to prouoke her to a new perſecution; and ſo the 13. Reuerend Prieſtes might thinke them ſelues not bound to obey in that caſe the Popes ſentence and commaundement, it being vniuſt, and conſequentlie, *rebus ſic ſtantibus*, they might promiſe, notwithſtanding any ſentence to be denounced, to obey the Queene in all Temporall and lawfull cauſes, and to defend and aſſiſt her. If *VViddrington* should here obiect, that if the 13. Prieſts might promiſe to acknowledge and obey Queen Elizabeth, notwithſtanding any ſentence to be pronounced, ſuppoſing the ſentence would be vniuſt: why may not the Catholique Subiect of England, take the oath of pretended alleageance, and ſweare that the Pope can not depoſe the King, and that if

he should, he would ſtill acknowledge and obey him, ſuppoſing the ſentence would be vniuſt? I anſwer him that the caſe is not like; becauſe in the oath the queſtion is *de iure* not *de facto*, and therfore the Subiect ſweareth abſolutlie, that the Pope hath *not any power or Authoritie to depoſe the King, and that notwithſtanding any ſentence of Excommunication or deprivation made or graunted, or to be made or graunted againſt the ſayd King, or any abſolution of the ſayd ſubiectes from their obedience, he will beare true fayth and true allegeance to his Maieſtie*. And ſeing that the Pope hath ſuch Authoritie to depoſe a Prince, as here I ſuppoſe, it is periurie at leaſt to ſweare abſolutlie that he hath no ſuch Authoritie ouer the King, and it is iniurie to the Pope. But the 13. Prieſts ſpeake *de facto* not *de iure*, and therfore they proteſt not that the Pope hath no ſuch Authoritie, but promiſe what they would doe *de facto*, notwithſtanding any his Authoritie, that is, that not withſtanding the Popes Authoritie and ſentence, (ſo libertie of Conſcience were graunted to all English Catholickes as they were borne in hand it should) they would ſtill acknowledge and obey the Queene, ſuppoſing in that caſe, the ſentence would be vniuſt, and ſo of no force to bynd in conſcience. Wherfore ſeing that theſe 13. Reuerend Prieſtes might make their Proteſtation of acknowledging and obeying Q. ELIZABETH, not for that they thought the Pope could not depoſe her,

but

but for other reaſons alleaged: why should then *VViddrington* take them in the worſt ſence? why should he bringe them ſo oft on the ſtage? why should he thinke to grace his opinion by their grauitie, learning, and Authoritie, he knowing, whatſoeuer they thought of the Popes Authoritie in depoſing, before the Popes Breues came forth (as they proteſt they neuer thought as *VViddrington* doth) that when he began to impugne this the Popes Authoritie, and againſt his Chiefe Paſtours commaundement to defend the oath, they proteſted in priuat and publicke the contrarie. And ſo *VViddrington* may aske thē forgiueneſſe by publicke writing, whom he hath publickelie and yet wrongefullie ſought to defame.

18. Here becauſe I would not paſſe my limittes of breuitie which I intended in this booke, I thought to haue concluded this Chapter. But after I had examined theſe Authours, yea after that the Printer was come to this Chapter, I came to the ſight of *VViddringtons Supplication* and *Appendix* ioyned to it, which before I had nor ſeene: for that Catholickes making a ſcruple either to read, or to keepe bookes forbidden by the Chiefe Paſtour, and Superiours being vigilant (and worthilie) to ſuppreſſe ſuch bookes, it is hard in Catholicke countries to meete with any of *VViddringtons* bookes, two of them being expreſſelie condemned, and all his later bookes being almoſt but

repetitions of the former: yet hauing hitte vpon this booke, I was desirous to see with what dexteritie he defended these authours against *Schulckennius*. And I find that he refused to acknowledge two of them, to wit *Dantes* and *Ocham*, saying: *Imprimis falsum est, me aut Dantem aut Occamum pro meis authoribus produxisse &c.* *First it is false, that I produced either Dantes or Ocham for my Authours. But I onlie affirmed that by* IOHN AZORIVS, *they were alleaged for that opinion*. And yet who could thinke otherwise, then that he had produced them for his Authours, seing that after the first opinion of *Cardinall Bellarmine* and others which holdeth that the Chiefe Pastour may in some case dispose of Temporalities and Regalities, he setteth downe the second opinion of those who holde that the Chiefe Pastour in no case, by no Authoritie, either directlie or indirectlie, hath power to depose a Prince; and cōming to the Authours of this second opinion, which he him selfe Embraceth, he sayth: *Hanc sententiam (vt refert Ioannes Azorius, Societatis Iesu Theologus) sequuntur Gulielmus Occamus, Ioannes Parisiensis, Dantes, Aligerius, Iacobus Almainus &c.* *This sentence (as Ioannes Azorius a diuine of the Societie of Iesus relateth) William Occham, Iohn of Paris, Dantes Aligerius, Ioannes Almainus, &c. do follow.* Who I say reading these wordes in *VViddrington*, could thinke otherwise, then that these two Authours which *VViddrington* produceth for the second opinion, be produced

In Append. §. 6 num. 2.

for

for his Authours, though out of *Azorius*, as well as the other Authours. But it seemeth he is loath altogether to refuse these two Authours, and therefore he sayth, *Azorius* maketh *Occham* a Classicall Authour, and *Gabriell* and the *Nominalles* follow him as the Prince of the *Nominalles*, and *Suarez* and *Vasquez*, do ofte alleage him for theire opinion; but what doth all this prooue, but onlie that *Occham* in respect of his skille in Logicke and Philosophie and Schoole Diuinitie, was a principall Doctour amongst the Nominalles, and in that respect is often alleaged by Catholicke Doctours? yet notwithstanding this, euen *Azorius*, *Suarez*, and *Vasquez*, do condemne Occhams bookes, which *VViddrington* so esteemeth, to wit those which he wrote against the Pope, and his Authoritie. And touching *Dantes*, he sayth, *Trithemius* affirmed that *Dantes* was most studious in Holie Scriptures. But be it that *Dantes* after Poetrie and Humanitie studied Scriptures, yet he presuming to studie Scriptures without groundes in Diuinitie, as *Erasmus*, *Laurentius Valla*, and others did, might fall into errours as well as they. and certainlie who so pleaseth to reade his *Monarchie* shall perceaue in it more Poetrie, Poeticall inuentions, and slight and superficiall Philosophie, then solid Diuinitie. Whereas he reiecteth *Bartolus* censure of *Dantes*, as I haue no leisure, so will I not wrangle with him about that. This shall

ſuffice me, that both of theſe two Authours are cenſured in the *Index expurgatorius* ſet forth by Authoritie of the Councell of Trent and diuerſe Popes. And although Widdrington ſayth, that the compilers of the *Index are not the Catholicke Church*, and that he knoweth not for what cauſe diuerſe bookes in the *Index* are condemned, wherin he sheweth little reſpect to Superiours; yet at leaſt thoſe bookes, which are cenſured in the *Index*, can be no leſſe then ſcandalous, and the Authours no leſſe then infamous, and ſo no fit witneſſes, nor Authours to make an opinion probable. So that let Widdrington chooſe what he will. Either he will haue theſe Authours, or he will not; if he will, they can giue no credit to his opinion, they hauing none them ſelfes; if he will not, he hath two Authours fewer, and by the ſame reaſon may reiect diuerſe others, yea all the other Authours: and ſo, *væ ſoli*, woe to him that ſtandeth poſt alone. But he ſayth, that he produced *not thē alone, but with manie other Catholicke, Godlie and learned Authours.* I anſwer that what the moſt of his Authours be, I haue alreadie shewed, and whereas he alleageth *Tertullian S. Ambroſe, S. Hierom*, and others, *Schulkenius* hath anſwered him, that they are by him miſconſtrued. *Tertullian* in his *Apologeticus* ſayth Emperours, *are ſecond to God and vndes his onlie power*; I anſwer that then Emperours were Pagans, and ſo not ſubiect to the Church

Church but to God onlie, I anſwer ſecõdly, that the Emperour and euerie abſolute King Chriſtian, hath no temporall Superiour but God: yet as Widdrington dareth not deny, but that there is a ſpirituall power and Authoritie in the Chiefe Paſtour aboue him which may punish him ſpirituallie, ſo I ſay this power can in ſome caſe decree temporall punishment againſt him, when ſpirituall punishment doth not preuaile. Wheras *S. Ambroſe, S. Hierom, Gregorius Turonenſis*, alleaged by *TViddrington*, ſay the Kinge is ſubiect to no lawes nor punishment, but of God: they meane that he is not ſubiect to his owne, or any Tẽporall Princes lawes and punishment, but deny not but that he is ſubiect to Eccleſiaſticall lawes & power, and may by that power be chaſtiſed by ſpirituall Cenſures, and alſo temporall, when the ſpirituall Cenſures are contemned. And wheras *S. Auguſtine*, Pope *Nicholas*, & others alleaged by *widdrington*, affirme that the Pope and Church hath no materiall or Temporall ſword; I graunt it, beeauſe they by a materiall ſword vnderſtand temporall Authoritie to vſe it, and that the Pope hath not by Chriſts gift, yet he hath from Chriſt (as I haue aboue prooued) a ſpirituall power by which he may commaund the Temporall ſword as *Widdrington* him ſelfe acknowledgeth, and by this power he can decree temporall punishmentes when the ſpirituall cenſures will not take place, though neither hen or

In Apol. n. 5. & ſequentibus.

In Apol. num. 8.

In Apol. n. 196. 197.

he, nor the Church doth execute theſe temporall punishmentes, eſpeciallie of death and bloud, it being a thing not beſeeming the Church, according to that of S. Leo: *Eccleſiaſtica lenitas, cruentas refugit vltiones.* *The Eccleſiaſticall lenitie eſcheweth bloudie reuenges.* And thus much cõcerning *Widdringtons* authours; the examinatiõ of which authours, although it was not altogeather neceſſarie (Schulkennius hauing alreadie examined them) yet I thought it ſome what requiſit, partlie becauſe Schulkennius examination being in latin, it cã not ſee eaſilie nor ſo generallie be made knowné to English men, partlie becauſe I haue examined diuerſe Authours which Schulkennius did not, and I haue added here and there ſomething (as *facile eſt inuentis addere*) for more ample explication, and now alſo vpon occaſion of the ſight of Widdringtons *Appendix* in which he anſwereth to *Schulkennius* Examination, I haue brieflie refuted ſome of his Anſwers to *Schulkennius* touching his Authours. Out of all this I gather, that ſeing that WIDDRINGTONS Authours either make not for him or are of no, or cracked credit, or are quite oppoſite to him (which it ſeemeth he him ſelfe now ſeeth, and therefore in his Appendix reiecteth two of them, and defendeth not the reſt, though prouoked by Schulkennius) I may ſay that Widdrington amidſt all his Authours ſtandeth poſt alone, and he but one oppoſeth him ſelfe not onlie to his

S. Leo ep. 93. ad Turibiũ Aſtuvien. Epiſcopum parum ab initio.

to his Chiefe Paſtours Cenſure, but alſo againſt the current of all Catholicke and renowned Doctours and Authours.

CHAPTER XIIII.

By the doctrine and practiſe of heretikes, *the ſame againſt them is demonſtrated; and thence is inferred, that the queſtion betwixt vs and them, is not ſo much, whether the Pope hath any ſuch authority, as whether the Pope, or they haue it.*

1. LAſtlie I prooue this by the Proteſtantes and Reformers owne confeſſion and practiſe alleaged by the Authour of the *Proteſtants Apologie*, and many other authours. To begin with Lutherans, *Sleydan* and *Oſiander* affirme that the *Magdeburgians* and other Lutheran Miniſters defended reſiſtance againſt the Magiſtrate and Prince, as lawfull for defence of their Religion, and therby excuſed the Rebellion, which the Lutheran Princes made againſt the Emperour. And if it be lawfull to reſiſt by warre a Prince that perſecuteth Religion, it is lawfull to kill him, and conſequentlie to depoſe him: becauſe the end of iuſt warre being peace, all things in it are lawfull, which

See The Proteſtãts Apologie tract. 3. ſect. 2. Greiſer. in comment. exeget. c. 7. The book of dãgerous peſitions. Sleidan. lib. 18. hiſt. fol. 163. & li. 22. fol.

which are neceſſarie to obtaine peace; and if, vnles the Prince be taken away, that iuſt peace cannot he had, that alſo is lawfull.

345 *Oſiander in Epit. Cēt. 16. pag. 526.*

2. The Caluiniſts are not behind them in this point: *Caluin* ſaith, that earthlie Princes do bereaue them ſelues of Authoritie, when they erect them ſelues againſt God; yea that they are vnworthie to be reckened in the number of men, and therfore we muſt rather ſpit in their faces, then obey them. *Beza* in his Epiſtle Dedicatorie to his New Teſtament defendeth Rebellion againſt Princes of a different Religion, if they permitt not, but rather perſecute Caluiniſme. The Hugonots of *France* in a Councell of Miniſters at *Berne*, haue decreed, that euerie citie ſhall ſweare, that they and their poſteritie will obſerue firme and inuiolate the thinges following; of which one is *can* 40. that *vntill it pleaſe God, in whoſe hands are the harts of* Kings, *to change the hart of the French Tyrant* (ſo they call him) *in the meane time euerie Citie ſhall chooſe a Mayor to gouerne them, as well in warre, as in peace.* Another Canon is, that *all Captaines & leaders neuer lay downe weapons, as long as they ſhall ſee them perſecute the Doctrine of Saluation* (Caluiniſme) *and the Diſciples of the ſame* (Caluiniſts.) Another is; *If it pleaſe God to raiſe vp ſome Chriſtian Prince to take reuenge of their ſinnes, and to deliuer his people, let them ſubiect them ſelues to that Prince as to another Cyrus ſent to them from God.* And this doctrine of the ſame Hugonots was

Caluin. in Dan. cap. 6.

Beza in ep. dedic. Noui Teſtam. an. 1554. & epiſt. 34. & 37.

Can. 3. an. 1572

practiſed

practiſed in *France* to the ruine of many cities and Churches, and the ſlaughter of many thouſands, as *The Hiſtorie of the Ciuill warres of France* printed at *London* anno 1591. and *Criſpinus* in his booke *of the Eſtate of the Church*, and others haue written, and to this day *France* remembreth, yea feeleth it. The like practiſe the hereticks in the lowe Countries haue vſed, as *Oſiander* confeſſeth, and all the world witneſſeth. Moreouer *Oſiander* ſayth that the ſtates there depoſed their Prince: *Belgici publico ſcripto Domino & Regi ſuo Philippo obedientiam & ſubiectionem renunciant: They of the low Countries renounce all obedience and ſubiection to their Lord and King Philip*, and conſequentlie they depoſe him, becauſe there is no King without ſubiects. Yea an Edict of this depoſition is extant in their Hiſtorie printed at *Francfort* in the yeare 1583. in which they declare him to haue loſt all right and title by his Tyrannie, and forbid all vſe of his name and ſeale.

Oſiand. in Epit. hiſtor. Eccleſ. Cent. 16. pag. 941.

3. *Zuinglius* and the *Zuinglians* iumpe with them in the ſame opinion. *Quando (Reges, Principes, & Magiſtratus) perfidè & extra Regulam Chriſti egerint, poſſunt cum Deo deponi: When Kings, Princes, and Magiſtrates behaue them ſelues perfidiouſlie, and do againſt the rule of Chriſt, they may (with God) be depoſed.* And againe: *That Kings may be depoſed Saules example doth teach manifeſtlie.* And againe: *Permittendum eſt Cæſari officium debitum, ſi modò fidem nobis permittat illibatam. We muſt permitt due obedience to Caſar, ſo that he permitt*

Zuingl. in explā. art. 42. fol. 84. Idem lib. 4. ep. ad Conhardum &c. pag. 868. & 869.

permitt vs to enioy our faith inuiolate. And according to this doctrine the *Tigurines* molested the Catholicke Cantones, sowed sedition, and rebelled; but afterwards in fiue battailes, though moe in number and Artillerie, they were ouercome and slaine, and in the first battaile *Zuinglius* him self was slaine, and afterwards burnt.

Coclæus in Actis Luth. an. 1531

4. I could alleadge *Goodman*, who in his booke (which in Queene MARIES time was printed at *Geneua*, and is commended by *Whittingham* in his Epistle before the saied booke) affirmeth that it is lawfull to withstand the Princes in case of Religion, and that therfore *VViat*, who rose against Queene MARIE, was no Traytour. The like was the doctrine of *Knox* and *Buchanan*. *Sutcliffe* auoucheth that *Knox* said: *Noblemen, Gouernours, &c. Iudges ought to reforme religion, if the King will not: If the Prince will not yeeld to his Nobles, and people, he armeth them with power to depose him: If Princes be Tyrants against God and his truth, their subiects are freed from their oathes of obedience.* And with him accordeth *Buchanan* teachinge that *the people is more excellent then the King, and hath right to bestowe the Crowne at their pleasure*, That *the People may arraigne the King &c.* That *Reward should be giuen to them that kill Tyrants*, to wit, those who persecute Religion. And what sedition this doctrine raised in *Scotland* against that worthie and virtuous Queene MARIE, his Maiesties mother, and against his Maiestie him selfe, all the world knowes, and

See Sutcliffe in his Answere to a libell Supplicatorie &c. pag. 192. & 193.

Sutcl. in his answere to a libell. &c. pag. 95.

Knox in Appellat. ad nobilitatem & populum Scotiæ.

Buchan. li. de Iure Reg. et li. 7. hist. Scot.

and he best him selfe. So that the question betwixt vs, and our Reformers, who so storme at this opinion of Catholicks, which teacheth that Popes in some case extraordinarie may depose Princes, is not so much whether the Pope can doe it, as whether he, or rather a *Luther*, *Zuinglius*, *Caluin*, *Beza*, *Knox*, or *Buchanan* can do it; nor so much whether a Generall Councell can doe it, but whether such a Councell rather then a Consistorie, or Heard of Ministers can.

5. And thus much I haue discoursed concerning this question, whether the Pope can in any case depose a Rebellious Prince, and who otherwise cannot be corrected: not for that I honour not Princes, or acknowledge not obedience due vnto them, for I haue aboue prooued that they are in Temporall matters to be honoured and obeyed vnder paine of mortall sinne; I haue also confessed and declared, that so long as they conteine them selues with in their bounds, and that their Temporall sword is not necessarilie to be drawne for the Churches defence, they haue (if they be absolute Superiours) no superiour on earth in Temporall matters: but only this I haue done to satisfie my conscience, to discharge my dutie to Christ his Church, and so to giue to Cæsar and Temporall Princes what belongeth to them, that I take not from God and his Church what is due to them.

6. Wherein I hope I derogate no more from the Prince, then many Catholicks do from the Pope, who teach that in case of Hereſie (to which as a priuate man, though not as a publike perſon, they thinke him to be ſubiect) he may by a Councell of Bishops and Prelates be depoſed. And therfore as Popes take this doctrine in good parte, ſo ought Princes not to take it ſo haynouſly that we affirme, that in caſe of intolerable tyrannie againſt the Church, the Pope may depoſe them: But rather as they are content ſo to beare rule ouer their ſubiects, as they will permitt God to beare rule ouer them; ſo they should alſo be content to ſubiect them ſelues, their Kingdomes, Crownes, and ſcepters to Chriſt and his Kingdome, that raigning vnder him here for a time, they may raigne with him hereafter for euer.

CHAP. XV.

CHAPTER XV.

An Explication of the late Oath of pretended Alleageance, *and of euery clause thereof, deduced out of the former and some other grounds, by which is prooued, that it can neither be proposed, nor taken, without grieuous offence of Almighty God.*

1. CAtholicks with common consent do confesse and hould against the *Messalians*, *Euchites*, *Pelagians*, *Waldenses*, *Anabaptistes*, and *Puritanes*, that it is lawfull in some cases to sweare, as many of the greatest Saincts haue done: For ABRAHAM swore to *Abimelech*, ISAAC to the same, or another *Abimelech*, IACOB to *Laban*. MOYSES swore by Heauen and earth; DAVID and others oftentimes vse this oath; *Viuit Deus*; *as God liueth*; which is in effect to sweare by the life of God; S. PAVL also did vse diuers oathes, as *Testis enim mihi est Deus*: *for God is my witnesse*; and *I call God to witnesse*; *I testifie before God*; and such like. Yea God him selfe knowing that we more easilie beleeue when a thing is sworne, sweareth him selfe, to winne credit at our hands. And in DEVTERONOMIE he commandeth vs to sweare saying. *Dominum Deum tuum timebis, & per nomen eius iurabis*: *Thou shalt*

Vide Alphonsum de Castro, V. Iuramentum.
Gen. 21.
Gen. 26.
Gen. 31.
Psal. 17.
Rom. 1.
2. Cor 1.
Philip. 1.
1. Tim. 5
Deut. 4.

shalt feare thy Lord God, and shalt ſweare by his name. But as medicines are good, yet not alwaies to be taken, but onlie ſuppoſing a diſeaſe or ſickneſſe; ſo oathes are not to be vſed, but only ſuppoſing a neceſſitie, as when we cannot otherwiſe be beleeued. And therfore when there is no neceſſitie,

Mat. 5. CHRIST ſayth: *Ego autem dico vobis, non iurare omnino: I ſay to you; ſweare not all*, to wit, when

Iacob. 1. there is no neceſſitie. And S. IAMES: *Nolite iurare quodcunque iuramentum: Do not ſweare any*

Deut. 6. *oath.* But when there is neceſſitie, God com-

Pſal. 62. mandeth it, as wee haue ſeene. And *Dauid* commendeth it ſaying: *Laudabuntur omnes qui iurant in eo: They all ſhall be praiſed who ſweare in him (God.)* Fot to ſweare when neceſſitie vrgeth, is an Acte of Religion, and worſhip of God, whome we acknowledge to be ſo true, that he will not fauour a lye, and of ſuch a maieſtie, that none will dare to ſweare by him, vnleſſe the thing be true: which is the reaſon why oathes are eaſilie credited.

D. Thom. 2. 2. q. 89. art. 3. 2. But if we will haue our oathes free from all ſinne, we muſt ioyne to them theſe three companions, or conditions: *Iudgement Veritie*, and *Iuſtice*; according to that of

Hierem. 4 HIEREMIE: *Iurabis in veritate, & in iudicio, & in iuſtitia: Thou ſhalt ſweare in Veritie, Iudgement, and Iuſtice. Iudgement* is neceſſarie in the ſweater, *Veritie* in the thing he ſweareth, *Iuſtice* in the cauſe. Fot want of *Iudgement* the oath is rash, as when we ſweare for euerie trifle; for want

want of *Veritie*, the oath is falſe and periurie, as when we ſweare a lye; for want of *Iuſtice*, it is vnlawfull, as if one should ſweare he would committ a ſinne. And if a man ſweareth with out *Iudgement*, he taketh Gods name in vaine; if without *Veritie*, he committeth periurie, and makes God to patronize a lie; if without *Iuſtice* he makes God a patron of ſinne. Wherfore he that would knowe whether the Oath, which latelie is propoſed to Catholickes, be lawfull, muſt marke whether it want not ſome one of theſe three companions or conditions, to wit, *Iudgement*, *Veritie*, and *Iuſtice*; for if it want but one, it is vnlawfull; much more if it want all. And becauſe there may be difficultie as well about the propoſer, as the taker of this Oath; let vs ſee firſt whether in the propoſer may be found *Iudgement*, *Iuſtice*, and *Veritie*.

3. As touching the firſt, it may ſeeme not to be wanting in the Magiſtrate that propoſeth, and that for two reaſons. *Firſt* becauſe the Prince being of another religion then the Pope, and knowing that Catholickes giue him power to depoſe Princes, may ſeeme iuſtlie to feare leaſt he will exerciſe this Authoritie vpon him. *Secondlie* the late Gunpowder-plot may ſeeme to proceed from ſuch an opinion, and ſo the Magiſtrate, to ſecure the Prince, ſeemeth to haue reaſon to vrge the Catholicke ſubiects vnto ſuch an Oath.

4. But yet on the other ſide it ſeemeth moſt certaine, that the Magiſtrate hath no iuſt cauſe to propoſe ſuch an Oath, & conſequentlie that in propoſing it, he obſerueth not the firſt condition. For *firſt* although the Magiſtrate may haue ſome cauſe to feare the Kings depoſition, ſuppoſing that he perſecuteth the Catholicke faith, and depriueth Catholicks of liuings, liber-
Rom. 13. tie, and ſometime life alſo; yet, as S. PAVL ſayth: *Vis non timere poteſtatem? bonum fac & habebis laudem ex illa; Dei enim Miniſter eſt tibi in bonum. Si autem malum feceris, time; non enim ſine cauſa gladium portat &c. VVilt thou not feare the power? do good and thou ſhalt haue praiſe of the ſame; for he is Gods Miniſter vnto thee for good. But if thou doe euill, feare; for he beareth not the ſword without cauſe, for he is Gods Miniſter, a reuenger vnto wrath to him that doth euill.* So ſay I, if Princes wilbe free from all feare of the Popes power, let them do good, and they ſhall haue praiſe before God and men; for the Pope is appointed Paſtour vnto thē for their good. But if they will do euill, if they will perſecute the Church, her faith, & faithfull children; then let them feare, for he is Gods Miniſter, & hath the ſpirituall glaiue put into his hand to chaſtize, & correct all rebellious Chriſtians. And therefore as he that taketh a mans purſe from him by violence, hath no iuſt cauſe to compell him to ſweare that he will not bewray him, becauſe he might, and ſhould haue abſtayned from the iniurie, and

then

then an oath had not bene neceſſarie: ſo the Prince or Magiſtrate hath no vrgent cauſe to propoſe this Oath to the Catholicke ſubiectes, becauſe if he abſtaine from perſecutiõ, as he ought to do, he needeth not feare the Popes power, and ſo hath no ſufficient cauſe to vrge his ſubiects by oath to abiure the Popes Authoritie, that he in the meane while may perſecute *impunè*.

5. As for the Gunpowder-plot, it could not proceed from this opinion, for it doth not follow that becauſe the Pope cã depoſe the Prince, therefore his ſubiects by priuate Authoritie may endeuour to kill him; becauſe the Pope is ſuperiour, the ſubiectes are inferiours; he hath publick, they haue only priuate Authoritie.

6. *Secondlie* the Prince or Magiſtrate can not iuſtly vexe ſubiects, nor trouble their conſciences with it, but only for his own ſecuritie: but this Oath is ſo farre from ſecuring the King, that rather it expoſeth him to greater daunger; *ergo* to ſecure him ſelfe, the King cannot iuſtlie propoſe this Oath. That this Oath cannot ſecure the King, it is manifeſt, becauſe the moſt that take this Oath, take it againſt their conſcience, and not ſo much out of opinion, as for feare; yea they thinke they do ill in taking it, and conſequently they thinke they are not bound to obſerue the ſame, for to ſweare to do an euill thing, and after to fulfill the Oath, is a double ſinne,

one in ſwearing, another in fulfilling. An example is in *Herod*, who ſinned in promiſing by a ſolemne Oath, that he would graunt his Daughter what ſoeuer she asked, and as he was bound not to ſtand to ſuch a rash oath, ſo he ſinned againe in fulfilling it. And Widdrington requireth onlie, that we should ſweare, that we thinke it probable, that the Pope can not depoſe a Prince, which opinion probable, and conſequentlie fearfull (for a probable opinion is alwayes ioyned *cum formidine de oppoſito*, with feare of the oppoſite or cõtrarie) may eaſilie chaũge with euerie winde, and ſo can not ſecure the Prince. And ſo the King after this Oath is no more ſecure then before, becauſe the Catholicks, who take this Oath againſt their conſcience, know that they are not bound to keepe their oath. And they who ſweare onlie that they thinke it probable that the Pope can depoſe, ſweare with feare and without any certaine aſſent, and ſo may eaſilie chaũge that opinion which they holde then, in to the contrarie. Yea the Prince thereby bringeth him ſelf into greater daunger. For by ſo vnwonted & odious an Oath, ſo contrarie to his ſubiectes conſciences, he cannot but make him ſelf odious, which how dangerous it is, CICERO witneſſeth ſaying: *Multorum odiis nullæ opes, nullæ vires poterũt reſiſtere; No richeſſe or forces are able to reſiſt the hatreds of many.*

Cicero lib. 2. de offic.

7. I know the Politicians ſay: *Oderint dum metuant*

metuant. Let them hate, ſo they feare alſo. But yet true is that, which *Seneca* no inexpert Politician alleadgeth: *Neceſſe eſt vt multos timeat, quem multi timent: He muſt of neceſſitie feare many, who cauſeth many to feare him.* Becauſe as *Cicero* ſayth: *quem metuunt, oderunt. Men hate whome they feare.* And what ſecuritie hath a Prince amongſt them that hate him? When ſubiects hate their Prince, they are diſcontended, when they are diſcontended, they are deſperate, when they are deſperate, they care not for their owne liues, when they care not for their owne liues, let then the Prince feare his; for as *Seneca* ſaith: *Qui ſuam vitam contemnit, tua Dominus erit: He that contemneth his own life, wilbe maſter of thine.* And from this ſource proceeded the late Gunpouder-plot.

Seneca lib. 2. de ira, c. 11

Cicero lib. 2. de offic.

Seneca.

8. Wherefore if Kings will raigne ſecurelie, and fortifie them ſelues ſtronglie, let them procure the loue and good will of their ſubiects, becauſe as the ſame Morall Philoſopher ſayth; *Vnum eſt inexpugnabile munimentum, amor Ciuium: The only impregnable, and inexpugnable fort and ſtrong hould a Prince hath, is the loue of his Citizens and ſubiects.* But if a Prince ſeeke rather to dominere odiouſly, then to rule ſweetlie, deſire rather to be feared, then loued; all the oathes, that he ſhall extort of his ſubiectes, cannot ſecure him, all his watch and Guarde will not ſaue him. CLAVDIVS the Emperour neuer went to a Banket, but he enuironed the table with

Seneca lib. 2. de Clem. cap. 19.

ſouldiours, who only alſo ſerued him at the ſame; and yet by his Taſter he was poiſened. DOMITIAN made the walles of his Gallerie, or Ambulachre, of ſtones of *Phengites*, which were tranſparent, that ſo he might ſee on all ſides, and yet he was ſlaine by his Chamberlins. And what a ſtrong Guarde, what armies can do to defend a Prince that is hated, we haue ſeene by the example of the two HENRIES, the *Third*, and *Fourth* of *France*, wherof the *Firſt* was killed by a ſillie Fryar, the other by a poore companion, in the middeſt of their Armies. And ſo the firſt condition required to propoſe this Oath, which is Iudgement, that dictateth that an oath is neither to be propoſed nor taken without iuſt cauſe, is wanting.

9. *Veritie* alſo, which is the ſecond companion of an oath, is here deficient, becauſe it is falſe that the Pope can not depoſe Princes, as I haue prooued by many Arguments, and ſo to ſweare it, were to ſweare a falſitie, and conſequently the propoſer of this Oath obſerueth not the ſecond condition, which is *Veritie*, without the which all oathes are periurie, and ſo neither to be propoſed, nor taken.

10. The third condition is alſo wanting, becauſe if it be true that the Pope hath authoritie to depoſe Princes (as I haue prooued) it is againſt *Iuſtice* to denie him this authoritie, and conſequently to ſweare the

the denyall. And ſo the Magiſtrate wanting *Iudgement*, *Veritie*, and *Iuſtice*, cannot lawfully propoſe this Oath to Catholicks, and eſpecially to Prieſts, who are exempted by their Clericall priuieledge from his Iuriſdiction.

11. But becauſe this diſcourſe is vndertaken rather for the inſtruction of the Catholicks, to whome the Oath is propoſed, then for the Magiſtrate, that propoſeth it; let this ſuffice for the propoſers caueat and leſſon, and let vs come to the Catholicks, and examine, whether this Oath may with ſafe conſcience be taken of them: For if it may, it were cruelrie to vrge them to refuſe it with loſſe of liuings and libertie; But if it may not, then it is as farre greater crueltie for *Widdrington*, and others, to perſwade them that they may take it, as it is more to looſe eternall felicitie, then Temporall riches, of which Death will in fine deſpoile vs. And becauſe *Widdrington* hath deuided the Oath into certaine clauſes, I will follow him in the ſame method: Proteſting firſt, that as His HOLINESSE when he heard of this Oath, affirmed (as Father perſons alleaged by WIDDRINGTON, related) that he had no intention, *to proceed actuallie by Cenſures againſt his Maieſtie* (of England) *but rather to vſe all Humanitie, and onlie would ſuffer death rather then yeeld any iotte of the Autheritie due to the Sea Apoſtolique*: Soe I haue noe intention to diſpute *de facto*, but

Widdr. Diſp. Th. ſec. 2. cap. 10. num. 56.

but onlie *de Iure*, that is, not to queſtion whether in this caſe, or that caſe, or whether for this cauſe, or that cauſe, His Maieſtie, or any other abſolute Prince in particuler may be depoſed, or whether it would be more to deſtruction, or edification: but rather (if the Oath did not mention His Maieſtie, and ſo enforce me to ſpeake ſome tymes of him) I would for the reſpect which I beare to my Soueraigne, ſpeake no more of him then any other Prince, but, abſtracting from all Princes, factes, and caſes in particular, I intend onlie to diſpute, as I haue hetherto, of the Popes Right, and Authoritie ouer Princes in generall.

The Firſt Clauſe of the Oath.

I. A. B. do trulie and ſincerelie acknowledge profeſſe, and teſtifie in my conſcience before God and the world, that our Soueraigne Lord King Iames is lawfull and true King of this Realme, and of all other his Maieſties Dominions and Countries,

12. I will not ſtand much with WIDDRINGTON about this clauſe, becauſe all Catholicks will acknowledge his Maieſtie that now is, for their Prince and King, and will ſweare alſo fidelitie vnto him in all Temporall matters; and this Oath hath bene offered by the Catholicks in an Epiſtle they wrote

wrote to his Maieſtie; which others alſo haue offered, and for better notice and in argument of their true meaninge published their offer in print. This then is one reaſon which maketh Catholicks to ſuſpect, that in this Oath couertlie is intended a denyall of the Popes ſpirituall ſupremacie. For if the Prince, and his Magiſtrate intended only Ciuill and Temporall Alleageance, why did they not propoſe this Oath in the ordinarie tenour and termes of a Ciuill oath, with which the former Kings of *England*, and all Catholick Kinges of other Countries, euen to this day content themſelues? Why bring they in the Popes Authoritie, which other Princes leaue out? But they knew that Catholicks would neuer haue refuſed ſuch an oath, and therefore to trouble, and engage their conſciences, to haue thereby ſome pretence to ſeaze vpon their liuings and goods, and to vexe their perſons, they deuiſed this Oath. Which their manner of proceeding may make Catholicks iuſtlie ſuſpect that ſome thing is intended, to which in conſcience they cannot agree, and conſequentlie (oathes, conſcience, and Religion being ſo nice and daungerous matters) if there were no other reaſon then this, the Catholicks haue iuſt cauſe to make, not only a ſcruple, but alſo a conſcience to take it. And therefore Widdrington him ſelfe in his *Newyeares-guiſt*, confeſſeth at leaſt, *that in the*

In his Newyeares guiſt num. 8. pag. 37.

in the beginning (and why not ſtill?) *Catholicks might iuſtlie ſuſpect this oath to be vnlawfull.*

Suarez & Gretzerus.

13. Hence it is alſo, that ſome writers make a ſcruple of thoſe wordes, *Supremus Dominus*, *Soueraigne Lord*: becauſe the Oath being of it ſelf, ſuſpicious, and the King of *England*, by his ordinarie Title giuen him by Parlament, being ſtiled *Supreame Head of the Church*, (which dignitie the Bishops and Diuines of *England* affirme to be annexed to the Kinges Regalitie *iure diuino*, as we haue ſeen aboue Chap. 6.) they feare leaſt a ſnake lie hid in the graſſe, and a pad in the ſtrawe, and that vnder that Title of *Supreme* or *Soueraigne Lord*, is couertlie vnderſtood *Supreame Head of the Church of England*, not only in Temporall, but *alſo in Spirituall cauſes*. But becauſe theſe wordes (*Soueraigne Lord*) may be taken in that good ſenſe, which ordinarilie they import, and are not put *ex parte prædicati*, but only *ex parte ſubiecti*, (for by this clauſe the ſwearer ſweareth not that his Maieſtie is Supreame or Soueraigne Lord, but only that our Soueraigne Lord is true and lawfull King) I will not much ſtand about them.

14. For as if one ſhould ſweare, that the Archbishop of Cantetburie is trulie a perſecutour of Catholicks, he ſhould not ſweare that he is trulie Archbishop, but onlie that he, who is called Archbishop of Canterburie, is truly a perſecutour: ſo by ſwearing

ſwearing that our ſupreame Lord King IAMES is true, and lawfull King, we do not ſweare that he is Soueraigne or Supreame Lord, but only that he, who is ſo ſtiled, is our Prince and King, which no English Catholicke will refuſe to ſweare. But howſoeuer Catholicks haue good cauſe to ſuſpect all things in this vnwonted Oath, it being not the ordinarie Oath of Alleageãce, which the Kings in other Countries propoſe, and wherewith the Kings of England contented themſelues, till they began to ſeuer themſelues from the true Catholicke Romane Church (for true Catholicke and Romane euer went together) and to banish out of their Realme all Papall Authoritie, as an enemie to their ſtate, which other Princes do retaine, and euer haue reuerenced and maintained as the Chiefe ſupport of their Kingdoms. And that which augmenteth the ſuſpition is, for that his Maieſtie him ſelfe ſeemeth to make doubt of this Oath; and ſo it ſeemeth daungerous either for the Magiſtrate to propoſe it, or the ſubiects to receaue it. For theſe are his Maieſties wordes vttered in the Parlament an. 1606. *Some doubtes haue been conceaued in vſing the Oath of Allegeance, and that part of the Act, which ordaineth the taking therof, is thought ſo abſurd, as no man can tell, who ought to be preſſed therewith. For I my ſelfe, when vpon a tyme I called the Iudges before mee at their going to their courtes, moued the queſtion vnto them, wherin, as I thought,*

they

they could not reasonablie answer. So that this obscuritie in the Oath should first be cleared, least swearing to that which wee vnderstand not, wee expose our selues to periurie.

The Second Clause.

And that the Pope neither by himselfe, nor by any authoritie of the Church, or Sea of Rome, or by any other meanes with any other, hath any power or authoritie to depose the King, or to dispose of any of his Maiesties Kingdomes or Dominions, or to authorize any forraine Prince to anoy him, or inuade his Countries, or to discharge any of his subiects of their Allegeance and obedience to his Maiestie, or to giue licence, or leaue to any of them, to beare Armes, raise tumultes, or to offer any violence, or hurt to his Maiesties Royall person, state, or gouernment, or to any of his Maiesties subiectes within his Maiesties Dominions.

Widdr. in disp. Theol. in exam. huius clausulæ.

15. This clause (sayth *VViddrington*) is *Petra illa scandali & lapis offensionis*: *that Rocke of scandall and stone of offence*, at which so many of this age, as well learned, as vnlearned haue stumbled. And in deed to *VViddrington* him selfe it hath beene such a Rocke of scandall (but

(but by his owne fault, for many haue passed it with out either falling or stumbling) that he hath not onlie stumbled and fallen at it him selfe, but by his fall he hath beene the cause of the fall and ruine of many an hundred. For if, as S. Avgvstin sayth, S. Pavl by holding the garments of those that stoned S. Steven, did more stone him then any of the stoners them selues. *Magis sæuiens omnes adiuuando quàm suis manibus lapidando*: Certes Widdrington persuading by his bookes that the Oath is lawfull, sinneth more damnably, then any one of them, that take the Oath, yea taketh it in euerie one of them, and stumbleth and falleth in them all, and consequently more then them all. But *væ homini illi, per quem scandalum hoc venit: woe to that man, by whom this scandall commeth.* *Augusſt. serm 14. de Sanctis. Act. 7. & 22.* *Mat. 18.*

16. But to come to the examination of this Clause, although Widdrington maketh no bones of it, yet they that square all by conscience, and the rule of faith, and practise of the Church, finde great and many difficulties not to be deuoured by any timorous conscience. And first by all the Argumentes, which hetherto haue beene produced, it is as manifest that this Clause of the Oath wanteth *Veritie* (which is the second companion and condition of a lawfull oath) as it is euident, that the Pope hath Authoritie to depose a Prince, not whom soeuer, but such a one, in whome is iust cause of deposition, to wit intollerable

and Rebellious Tyrannie againſt the Church, or ſome ſuch like cauſe. For if the *Lutherans*, *Caluiniſts*, and other hereticks, who hould that a Prince, who perſecuteth their religion, may be depoſed and killed, can not take this Oath, vnleſſe they firſt depoſe that conſcience, and chaunge their opinion; much leſſe can Catholicks, who generally holde that the Pope can in ſome caſe depoſe Princes, and diſpoſe of their Kingdomes, with out doing againſt their conſcience.

Widdr. diſp. Th. de Iurã. Fidel ca. 2. ſect. 2. nu. 3. & ca. 3. ſect. 2, n. 3.

17. Wheras *VViddrington* anſwereth that the thing which is ſworne in this Oath is not, that King IAMES is lawfull King, and cannot be depoſed, but onlie that the partie, who ſweareth, ſincerelie acknowledgeth that he is lawfull King and cannot be depoſed; and ſo at leaſt they, who are perſwaded that the Pope cannot depoſe Princes, may with ſafe conſcience, and with out daunger of periurie, ſweare that they think he cannot be depoſed: I muſt tell him *firſt*, that if this were the meaninge, the Oath would litle auaile to the Kinges ſecuritie; Which yet the King ſayth was intended by this oath, by which he would diſtinguish betwixt Catholickes, and be ſure that they would ſtand for him, though the Pope ſhould depoſe him, and would not out of that opinion that the Pope can depoſe a Prince, attẽpt any thing againſt him. For although the ſubiect ſweare that now at this

at this preſent he is perſuaded that the Pope can not depoſe a Prince, yet ſeeing that many holde the contrarie, he may after the Oath taken, chaunge his minde, either by conferring with the Doctours of the contrarie opinion, or by reading their bookes, and should not breake his former Oath, he by that proteſting only and ſwearing what then was his opinion. *Secondlie*, this is but a meere euaſion, becauſe he that taketh the Oath, ſweareth from his hart, and before God, not onlie that he thinkes ſo, but alſo that it is ſo, and that moſt aſſuredlie it is ſo. And this, the verie wordes of the Oath do import, which do make the ſwearer ſay, that he doth ſincerlie acknowledge and teſtifie in his Conſcience and before God that King IAMES is lawfull King, and that by no Authoritie he can be depoſed. Which meaning the Fourth Clauſe alſo confirmeth, where he ſweareth, that *the poſition and doctrine, which holdeth, that Princes excommunicated, may be depoſed and murthered, is impious and hereticall*. By which manner of ſpeech, he not only ſweareth what he thinketh, but what abſolutelie is to be houlden concerning ſuch a doctrine and poſition. Yea he doth not ſweare at all what he thinketh, as though his thinking were the immediat obiect of his oath, or the thing which he ſweareth, but by thoſe wordes, *I do trulie and ſincerelie acknowledge, Profeſſe, and teſtifie in my conſcience before God and the world*, he doth

doth expreſſe his acte of ſwearing and proteſtation, and by the enſewing wordes, *that our Soueraigne Lord* King IAMES *is lawfull and true King &c. and that the Pope neither by him ſelfe, nor by any Authoritie of the Church or Sea of Rome, or by any other meanes with any other, hath any power, or Authoritie to depoſe the King &c.* he expreſſeth the obiect of the oath, and the thing ſworne, to wit, *that King* IAMES *is lawfull* King (of which no English Catholicke maketh doubt) and *that the Pope can not depoſe him.* Otherwiſe if by this clauſe were onlie intended, that he that taketh the oath should ſweare what he thinketh, it should haue been thus expreſſed. *I. A. B. do trulie and ſincerelie acknowledge, profeſſe, and teſtifie in my conſcience before God, and the world, that I thinke, and am perſwaded, that King* IAMES *is lawfull King, and that the Pope can not depoſe him.* And I demaund of WIDDRINGTON, if the Kinge would make an oath to oblige his ſubiectes to ſweare not that they thinke, but that indeed King IAMES is lawfull King, and can not be depoſed, how he could more plainlie haue expreſſed it, then he hath? And although WIDDRINGTON is not now afrayd to auerre, that one may not onlie ſweare that he thinketh that the Pope can not depoſe a Prince, but alſo that abſolutelie he can not depoſe him, yet who can lawfullie ſweare with ſuch aſſeueration, that the Pope abſolutely hath no ſuch power, knowing that there are ſo many

Widdr. in his Newyeares gift. Pag. 62. 63.

Argu-

Argumentes, and ſo great authoritie aboue produced for the contrarie?

18. Let vs cleere the matter by an example of *VViddrington* his owne alleadginge? There are two opinions amongſt Diuines touching the Conception of our B. Ladie; The *Thomiſts* ſay, shee was conceiued in originall ſinne, though by and by after ſanctified euen in her mothers wombe. The *Scotiſts*, and others holde that shee was ſanctified in the firſt inſtant of her conception, and ſo neuer contracted originall ſinne at all; and this is the more common opinion, and moſt conformable to the practiſe of the Church, celebrating the feaſt of her ſayed Conception, though the other be not condemned, but allowed. Now I demaund of *VViddrington*, who bringeth for him ſelfe this example, whether a *Thomiſt* can ſweare that our Ladie was conceiued in originall ſinne againſt the other opinion? I graunt to *Widdrington*, that he may ſweare, that he thinketh ſo, if in deed he bee of that opinion; for in ſwearing that which he thinketh, he ſweareth no falſehood: but he can not ſweare with the former aſſeueration that abſolutely shee was conceiued in originall ſinne, he knowing that ſo many Authours holde the conrrarie, who are alſo countenanced by the Churches practiſe; and conſequently knowing that it is verie probable that the contrarie is true, if not trueſt. The ſame, and with more reaſon, may I ſay to

Widdr. Diſp. Th. cap. 3. ſect. 1. num. 11.

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Widdr. Diſp. Th. cap. 3. ſect. 1. num. 11.

Widdrington in our preſent caſe. *VViddrington* holdeth, and ſo do ſome others whome he produceth (but with how little reaſon and Authoritie we haue ſeene) that the Pope cannot depoſe Princes, nor diſpoſe of any Temporall matters out of his owne patrimonie and Kingdome, and ſo though he ought to depoſe that conſcience and opinion, yet ſo long as he is of that opinion, he may ſweare that he thinketh ſo, and ſhall ſweare no falſehood, if in deed he thinke ſo. But yet he knowing that ſo many Scriptures, Theologicall reaſons, Councels, Popes, their factes and practiſe, ſo many learned Doctours and Sainctes, ſtand for the contrarie, he can not ſweare abſolutely, and with the former aſſeueration, that the Pope hath no ſuch authoritie, he knowing that ſo many Authours and ſo great Argumentes and Authoritie, do countenance the contrarie opinion: Yea much leſſe can he ſweare for his opinion in this point, then can a *Thomiſt* for his, touching our Ladies Conception: becauſe the *Thomiſt* is licenced by the expreſſe leaue of the Church, to teach and thinke as he doth, and his aduerſaries are commaunded by the Church not to condemne his opinion as hereticall, or erronious, or rash, which warrant *VViddrington* hath not for his opinion; rather the Church hath condemned it in Councells and practiſe, as wee haue shewed. Who is then ſo hardie, or rather ſo rash, that dareth

Concil. Trid. ſeſſ. 5. c. 1. de Reform. Sixtus 4 ea. graue nimis de reliq.

ſweare

ſweare abſolutely that the Pope hath no authoritie to depoſe Princes, or diſpoſe of their Kingdomes, the contrarie being not only probable, yea more probable, which *VViddrington* can not denie, but alſo a matter of faith, or ſo neerely concerning faith, (as the arguments and authoritie produced do warrant) that Cardinall Allan in his *Anſwer to the libeller* ſayth, it concerneth *the Popes Supremacie and power Apoſtolicall*, and Schulkennius verie well auerreth, the contrarie is either hereticall, or erronious, and temerarious; either of which is enough to deterre any timorous conſcience. But be it that the opinion, which holdeth that the Pope in ſome caſes can depoſe a Prince, were but probable, yet ſeing that the thing which is probable may be true, and if it be the more common and probable opinion (as Widdrington denyeth not but that this opinion of depoſing Princes is) it is moſt like to be true: It followeth conſequently, that he that abiureth this probable, yea more probable opinion, that the Pope can in ſome caſe depoſe Princes, expoſeth him ſelfe to probable daunger of ſwearing falſe, and abiuring the truth, and ſo is periured; becauſe, *qui amat periculum in illo peribit: he that loueth daunger ſhall perish therein*: out of which wordes Diuines do prooue, that he who wittinglie and willinglie expoſeth him ſelfe to probable daunger of any ſinne, is guiltie before God of that ſinne, as if he had

Chap. 4.

Apol. pro Card. Bellar. cap. 6. cont. 4. pag. 259.

Eccl. 3.

had actuallie committed.

19. Certes if *Veritie* be a neceſſarie companion of a lawfull oath, no man can ſweare more, then he thinketh there is veritie in the thing he ſweareth. Wherefore that he may ſweare that this opinion is probable, he muſt in conſcience thinke it at leaſt probable, which (if he ponder the Authoritie, which aboue I haue produced for the contrarie) he can not poſſiblie and with any reaſon thinke: to ſweare that he thinketh it not only probable, but alſo abſolutely and vndoubtedly true, he muſt in conſcience be ſo perſwaded, elſe he should ſweare againſt his conſcience, and otherwiſe then in his conſcience is true. And how can hee perſwade him ſelfe ſo fullie, as to ſweare, that from his hart and before God, he thinketh, and holdeth, that the Pope in no caſe can depoſe Princes, or diſpoſe of their Dominions, he knowing that ſo many, and with ſo great reaſon holde the contrarie, who are as likelie, and as farre more likelie not to be deceaued then he, as they haue more reaſon and Authoritie for their opinion, then he.

Pag. 62. and Pag. 63.

20. WIDDRINGTON in his *Newyeares-gift* anſwereth, *that whatſoeuer opinio a man followeth in Speculation concerning the Popes Authoritie to depriue Princes, yet he may as certainelie acknowledge, and ſweare that the Pope hath no Authoritie to depoſe the King (that is to practiſe his depoſition) as*

it is

it is cleare and manifeſt, that he may certainlie acknowledge and ſweare, that the Pope hath no authoritie to committe open iniuſtice; and that in a doubtfull, vncertaine, and diſputable caſe the condition of the poſſeſſour is to be preferred. But although *Widdrington* maketh great accounte of this anſwer, yet it will be found defectiue. For *firſt VViddrington* is not ignorant, that the power and exerciſe of the power are two thinges, which alſo may be ſeparated: for we haue the power of ſeeing when we ſleepe, but not the exerciſe of it; & we haue the power of walking when we repoſe our ſelues on our bedde, and yet then we walke not. And ſo the power of excommunicating and depoſing is one thing, and the exerciſe of it is an other; and therfore the Bishop may haue power to excommunicate, and yet not exerciſe that power; and the Pope may haue power to depoſe, although he do not actuallie depoſe any. Secondly WIDDRINGTON knoweth, that a man may haue the power to do a thing *validlie*, that is, ſo as the thing donne shall ſtand in force, and yet not *lawfullie*, that is, without ſinne. As for example, the Prelate or Soueraigne Prince, who haue Authoritie to diſpenſe in poſitiue lawes ſubiect to their Authoritie, if they diſpenſe without iuſt cauſe, the diſpenſation according to the probable opinion of diuerſe Diuines, is *valid* and of force, and freeth the

Soto li. 1 de Iuſtitia & Iure q. 7 a. 3. Silueſt. & Angelus V. Diſpenſatio.

diſpenſed in conſcience, but it is vnlawfull, and the diſpenſer ſinneth. So the Pope or Bishop may ſometymes Excommunicate *validlie*, and yet not *lawfullie*. For Diuines affirme, Excommunication may be three wayes vniuſt: *Ex animo*, when there is iuſt cauſe to excommunicate, but the Bishop who excommunicateth doth it not out of Zeale of iuſtice, or deſire of amendment, but out of enuie, hatred, or malice; *Ex ordine*, when the Bishop hath iuſt cauſe to excommunicate, but obſerueth not the order of Canonicall Premonition, which is to be donne thrice, or once for thrice; *Ex causâ* when there is no iuſt cauſe. The firſt excommunication is alwayes *valid*, but *vnlawfull*; ſo is ordinarilie the ſecond as noteth *Sayrus* our countrie man; the third is not onlie *vnlawfull* but alſo *inualid* and of no force. So alſo the Pope may depoſe *validlie*, and yet not *lawfullie*; or without ſinne. For if the Prince giue ſufficient cauſe of depoſition, and the Pope notwithſtanding should (as ſuch a ſuperiour is not eaſilie to be thought ſo to do) depoſe the Prince out of hatred or enuie, or elſe when prudẽce would haue him to tolerate the Prince for feare of garboyles and greater hurte, the depoſition should be *valid* and of force, but yet *vnlawfull*, and ſinnefull. Wherefore ſeing that in this *ſecond clauſe* we are to ſweare that the Pope *hath no power or Authoritie to depoſe the King, or to diſpoſe of his maieſties Kingdomes or*

Lib. 1. Theſauri ſuum ſcientia ca. 7.

Dominions

Dominions, &c. Although perchaunce he can not now, as thinges ſtand, lawfullie exerciſe his power in depoſing an abſolute Prince, becauſe much more hurt then good might come of it; yet if it be probable, that the Pope hath power to depoſe (as Widdrington confeſſeth it is probable) I demaunde of Widdrington, how he can ſweare reſolutelie that the Pope hath no ſuch authoritie, he being not ignorant that many learned men holde it, and that more then probable that he hath? And ſo for all this Anſwer, my former Argument is in force. wherfore although it were but probable, that the Pope hath authoritie to depoſe a Prince, and that conſequentlie he could not actuallie without iniuſtice depoſe him (the cõdition of the Poſſeſſour being to be preferred) yet ſeing that the power is one thinge, & the exerciſe an other, and that it is at leaſt probable that the Pope hath power to depoſe, how can WIDDRINGTON, knowing this probabilitie, ſweare abſolutelie that the Pope hath no authoritie to depoſe?

As for example, one is in poſſeſſion of a Tenement and hath probable right, an other hath alſo probable right to it, but without poſſeſſion, and ſo can not iuſtlie diſpoſſeſſe, becauſe *in the like defaulte or cauſe, better is the condition of him that is in poſſeſſion.* Although therfore in this caſe one might ſweare, that he, who is not in poſſeſſion, can not iuſtlie diſpoſſeſſe the partie who hath the poſſeſſion; *De Regi Iuris in 6.*

sion: yet he could not sweare, that he hath no right to the Tenement, if he know that he hath probable right. And therefore although if it were but probable, that the Pope can depose, one might sweare that he cannot exercise this power iustlie, because *melior est conditio Principis possidentis*, yet he could not sweare (as in this clause he is commaunded) that the Pope hath no power nor right to depose a Prince. For as a man may haue probable right to a Tenement, and yet can not put him out of possession who also hath probable right, because possession hindereth: so the Pope might haue probable authoritie to depose, yet could not actuallie depose a Prince, because his possession hindereth. Lastelie by as many Arguments, as I haue deduced out of Scriptures, Councelles, Theologicall principles, and practise of holy Popes, to prooue that the Pope can in some cases depose a Prince, I haue also prooued WIDDRINGTONS opinion improbable. And although three or foure Authours, or as many as VVIDDRINGTON alleageth may make an opinion probable, yet as *Vasquez* and others do well obserue, they must be skilfull in that arte and science, and the rest of the torrent of Doctours must admitte it as probable, and not note it of errour or temeritie. And therfore though some few Doctours holde with *VViddrington*, or rather he with them; yet seing that the rest

Vasq. 1. 2. *disp.* 62. *ca.* 4.

reſt of the Doctours in number, learning, and ſanctitie farre excelling, do ſtand againſt his opinion; that his Authours either holde againſt him, or are cenſured by the Church; that the Decrees of Councelles and facts of Popes do condemne him, his Authours, and his opinion; and that latelie his Chiefe Paſtours ſentence hath prononnced, that the oath of *Alleageance containeth thinges contrarie to faith and ſaluation*: in which wordes, no doubt WIDDRINGTONS opinion, the principall ſubiect of the oath is deepelie taxed; how can WIDDRNIGTONS opinion be probable? and if his opinió be not probable, the contrarie opinion which holdeth, that the Pope can depoſe a Prince, muſt be more then probable, and no leſſe then certaine, as beſides other Arguments the *Lateran Decree* which otherwiſe ſhould be vniuſt, doth demonſtrate: whence followeth, that the Pope hath not onlie power to depoſe, but may alſo execute it without iniuſtice, the Prince depoſed hauing no probable right or Title remaining. And this is the opinion of all thoſe, who holde that the Pope can depoſe Princes, and this was the opinion of the Popes ſo learned, and ſo holie, that haue depoſed Princes, and ſo muſt thinke it more then probable, elſe the Prince (as I ſaid) after depoſition ſhould retaine probable right, and ſo being alſo in Poſſeſſion, could not iuſtlie be depoſed.

21. This

Widdr. Disp. Th. cap. 3. sect. 3. n. 3. & cap. 10. sect. 2. n. 11.

21. This Argument will haue more force, if we consider that this Oath is not onlie propoſed to thoſe that holde with WIDDRINGTON, but alſo to thoſe, and thoſe eſpecially, who holde againſt him, and can not chaunge their opinion, or depoſe their conſcience, becauſe they haue no probable reaſon to depoſe it, at leaſt ſo as to thinke abſolutely and vndoubtedly that the Pope cannot depoſe Princes, or diſpoſe of their Temporall ſtates. For although, if *VViddringtons* opinion were probable (as it is not) they might ſo depoſe their conſcience, as to thinke the contrarie probable, and conſequently might ſweare it is probable; yet they can not ſweare that they thinke from their hart and before God, that *VViddringtons* opinion is abſolutely true, and conſequently the contrarie abſolutely falſe, they knowing that there is ſuch reaſon and Authority for the contrarie. Yea this Oath is propoſed to all ſortes, as well thoſe that are learned as vnlearned, as well thoſe that haue capacitie to Iudge of the Oath, as thoſe that haue not, ſuch as are the moſt part of thoſe, to whome it is tendered. And how ſhall they with any ſaferie of conſcience ſweare, that before God, and in their harts, they thinke that the Pope can not depoſe Princes, they being not able to iudge of the matter, and knowing no more probabilitie for the one ſide, then for the other?

22. *VVid-*

22. *VViddrington* ſayth, that thoſe that can not iudge, may rely vpon the learned, and ſo though by intrinſecall principles, which are the reaſons and Arguments, which are produced for this opinion, they can not iudge which opinion is probable, or more probable, they being not of capacitie to conceaue of the force of Argumentes, yet by extrinſecall principles, that is, Authoritie of others, who are counted good and learned men, they may frame to them ſelues a conſcience that the Pope can not depoſe Princes, becauſe many learned and good men holde that opinion. To which purpoſe he citeth his Maiſter *Gabriel Vaſquez*, whome notwithſtanding he miſconſtrueth. For although *Vaſquez* togeather with *Henricus*, *Conradus*, and *Siluester*, whome he alleadgeth, do holde that an ignorant man may follow in practiſe a probable opinion, yea the Counſell of a prudent, learned, and good man, who telleth him it is a probable opinion, although the common opinion be contrarie; And ſo if *VViddringtons* opinion were probable, might alſo holde with him, and conſequently ſweare what hee thinketh; yet I denie *VViddringtons* opinion to be probable, and haue prooued it not only improbable, but alſo repugnant to ſcriptures, Theologicall reaſons, Councels, and conſequently directlie or indirectlie to faith it ſelfe. But ſuppoſe (which yet I will not graunt) that *VViddringtons* opinion were probable

Vaſq. 1. 2. diſp. 62. c. 8.

probable, yet neither *Vasquez*, nor any Diuine affirmeth, that it is lawfull to sweare absolutely that *VViddringtons* opinion is true. If *VViddringtons* opinion were probable by reason of the Authoritie of the Authours that holde it, then might any man, euen he that thinketh it by intrinsecall principles of reason and argument, to be false, frame a conscience, that it is probable for the extrinsecall principles, as the multitude, learning, and vertue of the Authours that holde it, and consequently might sweare that he for these principles thinkes it probable, yet he can not sweare (as is cõmaunded by this Oath) from his hart, and before God, that *VViddringtons* opinion is true, and that therefore absolutely the Pope can not depose a Prince for any heresie or rebellion against the Church, because (as is before sayd) he knowing, that many hould contrarie to *VViddrington*, and that farre moe are against him, then with him, who are as likelie, yea more likelie to haue found out the truth, then he, he can not sweare absolutely that the Pope can not in any case depose Princes; for that were to sweare that a thing false (as I haue prooued) or at least but probable (as *VViddrington* confesseth) is so certaine, that the contrarie is most certainely false, which is to sweare an vntruth, and to commit periurie. For as it is periurie to sweare, that that is true, which we know to be false, so is it periurie to

sweare

sweare that to be absolutely true, which yet is doubtfull, or at least but probable.

23. Hence may easilie be gathered, that this Clause of the Oath wanteth all the three companions of a lawfull Oath, and so cannot be taken. *First* it wanteth *Iudgement*, because in deed, as appeareth by my former arguments, there is no iust cause or reason to sweare that it is probable, much lesse that it is assured, which is, euen by *VViddringtons* owne acknowledgement, but probable; and so it is rash, and wanteth *Iudgement*. *Secondly* it wanteth *Veritie*: for besides that I haue prooued aboue, that *VViddringtons* opinion is false, derogating to faith and Church, yea scriptures and reasons, and consequently that to sweare that it is true, were to sweare an vntruth, and to committ periurie; *VViddrington* him selfe confesseth his opinion is but probable, and consequentlie to sweare that it is vndoubtedlie true, and the contrarie false, is to sweare also an vntruth, because it is false, that, that which is but probable, is assuredlie true. *Thirdlie* this Clause wanteth *Iustice*, because it is an iniurie to the Pope, to sweare absolutely that he hath no power, nor Authoritie to depose Princes, he hauing so assured, and at least (as I haue prooued) so probable claime and Title to this Authoritie, euen by *VViddrington* his owne confession, who acknowledgeth that the Popes who deposed Princes followed a probable opinion: *Widdr. supra.*

opinion: although he muſt alſo ſay, that all thoſe Popes, though holie and learned, committed great in iuſtice in depoſing thē, they being in poſſeſſion, and hauing alſo probable right, if thoſe Popes had but probable Authoritie, as aboue I haue declared.

24. This might ſerue to reiect this Clauſe as altogether vnlawfull to be ſworne: but yet for more full ſatisfaction of Catholicks in this point, I will bring another Argument to prooue that it can not in conſciēce be ſworne. Becauſe this Clauſe importeth that *the Pope neither by him ſelfe, nor by any another Authority or meanes, can depoſe the King, or diſpoſe of any of his Maieſties Dominions, or authorize any forraine Prince to anoy him, or inuade his countries, or diſcharge any of his ſubiects of their alleageance, or to giue licence or leaue to any of them to beare armes, raiſe tumults, or offer violence or hurt to his Maieſties Royall perſon, ſtate, or gouernment, or any his Maieſties ſubiects &c.* Wherein alſo is ſuch difficultie, that I can not ſee how in a matter ſo doubtfull, or not ſo certaine, a man may ſweare ſo peremptorily, and vndoubtedly. Who ſo pleaſeth to read *Franciſcus de Victoria* that learned *Dominican*, ſhall finde that he ſetteth downe diuers Titles, by which the Spaniards might iuſtly inuade & ſubdue the *Indians*; which Titles whether any Chriſtian Prince may haue to inuade *England*, or any other countrie, I will not diſpute, but onely alleadge them, that the Reader may ſee that it is not ſo euident that a man may take this

Clauſe

Clause of the Oath in so generall termes as is lyeth, *Victoria* his opinion being no waies condemned, but rather approoued by many.

25. The first Title pertaining to this matter, which *Victoria* alleadgeth, is the Authoritie which the Pope hath to send Preachers euen to Infidels, much more to Christian Countries that be hereticks, because ouer these he hath spirituall Iurisdiction. And although Paganes can not be compelled to imbrace Christian faith; yet the Christian Preachers, after they haue giuen reason of their Embassage, may preach by that Authoritie, which CHRIST gaue to his Apostles and successours, when he sayd: *Euntes docete omnes gentes baptizantes eos &c.* "Mat. 28 *Going therfore teach yee all nations baptizing them, &c.* And if the Paganes would hinder their preaching, or after they haue preached, hinder the conuersion of Infidels, and the fruit of preaching; they may with the souldiours, whome they carrie with them, force them to permitt them to preach, and to permitt all that will to heare them, and not to hinder their spirituall good and conuersion; and if otherwise they cannot pursue nor defend this their right, they may make warre vpon those, that hinder them, and pursue all those thinges which are lawfull in a iust warre. And by this Title (saith *Victoria*) the Spaniards might make warre vpon the *Indians*, if otherwise they could

Victoria Relect. de Indis Insulanu & Titulis quibus Barbari potuerint venire in ditionem Hispanorum.

„ could not preach the Christian faith, nor
„ withstand the obstinate Pagans, who would
„ hinder their conuersion, that desired to be
„ Christians. And thus *Victoria* would say that the Pope might send Preachers to *England*, and might desire and licence some Catholicke Prince to assist and defend the Preachers in procuring hereticks conuersion. And if any hereticks woulde not permitte the Catholicke Doctours to preach, or would hinder the conuersion of those, that would be Catholicks, the forraine Prince licenced by the Pope, might in manner aforesaid (as *Victoria* thinketh, for I will say nothing of my selfe) make warre vpon the English, and seeing that warre cannot (vnles by reason of ignorance) be iust on both sides, the English, especially who are Catholicks, could not defend those that oppose them selues against this Prince, who assisteth the Preachers. Thus would he say: but as I so honour my Prince, and loue my countrie, that I desire not that any such Title should take place in *England*, so I will not dispute of it.

„ 26. Another Title (sayth *Victoria*) by
„ which the Spaniards might make warre on
„ the Indians, is, if after some of them be con-
„ uerted to the Catholicke faith, the others
„ would force them to Idolatrie, for then
„ (sayth he) the Spaniards might by armes
„ defend them, they being become now
„ their freinds and fellowes.

27. A third

27. A third Title (sayth he) might be this: » If the *Indias* by lawfull or vnlawfull meanes, » that is by peaceble preaching, or force and » violence, were for the most part conuer- » ted, the Pope to conserue Religion might » giue them a Christian Prince, and send an » Armie to put him in possession. This he » prooueth out of *S. Thomas*, and the com- *S. Thom. 2. 2. q. 10 art. 10.* mon opinion of Diuines, who affirme that *Innoc. ca. super his de voto & voti redempt.* the Chiefe Pastour in fauour of Religion, and for securing Christians saluation, might free Christian slaues from seruitude, and much more other Christians, who are subiect, not *despotic*è, but only *politic*è; yea this hee prooueth out of scripture, because in fauour of faith a wife may be separated » from a Pagan husband, much more a subiect » *1. Cor. 7. Cap. quanto, de diuortiis.* from his Prince.

28. A fourth Title is if the Prince generallie molest Innocentes by vniust lawes, and vexations; as if a Pagan King should sacrifice Innocent Children to his Gods, » then any forreine Prince, especially by the » counsell of the High Pastour, after he hath » warned the sayd King, and seeth no re- » dresse, may take the cause of the Innocents » vpon him, and make warre vpon the » King for their defence, for as Innocents » haue right from God and Nature to defend » them selues, so may another with their » expresse or presumed licence, vndertake » their cause, and wage warre in their de- » fence.

29. A fift Title may be grounded in the Popes temporall authoritie, for hee being a temporall Prince might authorize the *Duke* of *Vrbine* for example, or other his Feudataries, to inuade *England* for ſatisfaction of iniuries, if the King of *England* had done him any, (for ſo the King of *England* hath heretofore inuaded *France* for iniuries receaued, and might againe hereafter, if by the French the like iniuries should be offerred.) And yet this Clauſe of the Oath makes the Catholicke to ſweare, that *the Pope neither by himſelfe, nor by any authoritie of the Church or Sea of Rome, or by any other meanes with any other, hath any power or authoritie to depoſe the King &c. or to anoy him or inuade his countries &c.*

30. Another Title of inuading a Princes country or reſiſting him may be this. If Princes contrary to the Popes commandement, and liking of all other Princes, would call the Moores or Turkes into *Spaine*, *France*, or *Germanie*, and commaund their ſubiects to aſſiſt them; were they bound to obey, or rather were they not bound to reſiſt what they could? And ſeeing that the bringing of the Moores or Turkes into thoſe countries might bee preiudiciall to all Chriſtian countries, and euen to Chriſtian faith; might not other Princes, eſpecially cõmaunded by their Chiefe viſible Paſtour, inuade their countries to hinder the entrance of ſuch enemies? And might not, yea ought not the Emperour, and thoſe

Princes

Princes ſubiects, to aſſiſt them againſt their owne Princes for the common good of Chriſtendome? And yet by this Clauſe we are cõmaunded to ſweare that the Pope in no caſe can authorize ſubiects or Princes to annoy his Maieſtie of *England*, or any his countries.

31. Wherefore although I will not auerre, that Chriſtian Princes may haue theſe titles to inuade *England*, or any part of it, or to make warre, either againſt the Prince (to whom I wish after long life here eternity in heauen) or countrie, which is moſt deare vnto mee; Yet by this it may eaſily appeare, that it is not ſo euident, as *VViddrington* would make it, that this Oath may be taken with ſuch an aſſured aſſeueration, amd in thoſe ſo generall termes, *Victoria* hauing alleadged ſo many Titles of iuſt warres, which make this Clauſe at leaſt doubtfull, and ſo not to be ſworne.

32. *VViddrington* anſwereth that in this Clauſe is not denyed that the Common wealth can depoſe a Prince, but only is auerred that the Pope cannot either by himſelfe, or by the Common wealth, or any other meanes. And (ſaith he) if the Pope cannot by himſelfe, neither can hee by the Common wealth. And this (as he thinketh) he conuinceth by examples. For (ſaith he) as a ſtone neither with a man, neither by a man hath power to vnderſtand and diſcourſe, and neither by the Common wealth, nor with

Widdr. in Diſp. Theol. c. 3. ſect. 4. n. 3.

with the Common wealth can depoſe a Prince, becauſe it hath no power of it ſelfe to diſcourſe or depoſe: ſo if wee ſuppoſe that the Pope of him ſelfe hath no power to depoſe a Prince, he cannot by the Common wealth depoſe him, though otherwiſe the Common wealth could. And although (ſaith *Widdrington*) theſe examples be not like in all points, becauſe the ſtone is not capable at all of diſcourſing or deposing, the Pope is at leaſt capable of Authoritie to depoſe Princes, if God would giue it him, yet (ſaith he) if wee ſuppoſe that the Pope *de facto* hath no power to depoſe, then a good argument may be drawne out of theſe ſimilitudes. For as the ſtone cannot by man, or with a man diſcourſe, or depoſe Kings, becauſe it hath no power of it ſelfe ſo to doe: ſo if the Pope haue no authoritie to depoſe Princes (as *Widdrington* ſuppoſeth it cannot be, or is not yet ſufficiently prooued that he hath) he cannot *de facto* by the Common wealth depoſe.

33. But I ſhall make *VViddrington* to ſee by other examples and reaſon alſo, how litle theſe his examples auaile. For ſuppoſe the Pope could not depoſe a Prince by him-ſelfe (as I haue prooued he can) yet he might doe it by a temporall Prince, or the Common wealth, and that alſo in *VViddringtons* opinion. This I prooue *firſt* by examples. For in the opinion of thoſe Philoſophers, who ſay that no ſubſtance is immediately

mediately operatiue or actiue, the ſubſtance or ſubſtantiall forme of fire can not produce fire immediately by it ſelfe, and yet it can *per calorem & ſiccitatem*, by heate and ſiccity, which are the fires inſtrument and actiue virtue; and ſo wee ſay not only that heate produceth heate, but alſo that fire produceth heate, though not immediately, but by meanes of the foreſaid qualities. So the ſunne engendreth metalls and mineralls in the bowells of the earth, and produceth as an vniuerſall cauſe, plantes and hearbes; and yet not by his immediate ſubſtance, but by mediation of his light and influences. So the will of man is cauſe of walking, ſpeaking, and other externall operations, yet not by her ſelfe immediately, but by mediation of other faculties, which are dependent on her. So a Prince that had neither hand nor foote, or if he had, ſhould vſe neither, and ſo could not kill his enemie, yet might he doe it by his Captaine, if he ſhould commaund him; and if at his commaũd the Captaine ſhould kill, the Prince alſo ſhould be ſaid to haue killed, yea & to haue bene the principall cauſe of the murder, though immediately he either could not, or did not ſtrike any ſtroke. Wherefore *VViddrington* might haue called to mind, that many tymes an agent may worke an effect by another, which it can not by it ſelfe immediatly, if the other cauſe, which it vſeth, be dependent of it, or ſubordinate

with the Common wealth can depoſe a Prince, becauſe it hath no power of it ſelfe to diſcourſe or depoſe: ſo if wee ſuppoſe that the Pope of him ſelfe hath no power to depoſe a Prince, he cannot by the Common wealth depoſe him, though otherwiſe the Common wealth could. And although (ſaith *Widdrington*) theſe examples be not like in all points, becauſe the ſtone is not capable at all of diſcourſing or deposing, the Pope is at leaſt capable of Authoritie to depoſe Princes, if God would giue it him, yet (ſaith he) if wee ſuppoſe that the Pope *de facto* hath no power to depoſe, then a good argument may be drawne out of theſe ſimilitudes. For as the ſtone cannot by man, or with a man diſcourſe, or depoſe Kings, becauſe it hath no power of it ſelfe ſo to doe: ſo if the Pope haue no authoritie to depoſe Princes (as *Widdrington* ſuppoſeth it cannot be, or is not yet ſufficiently prooued that he hath) he cannot *de facto* by the Common wealth depoſe.

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vnto it, as is to bee ſeene euidently in the aforeſayd, aud many other examples.

34. But as touching *Widdringtons* examples, they are not to the purpoſe: for no marueile that a ſtone cannot diſcourſe by, or with a man, a man being not ſubordinate to a ſtone, nor any inſtrument of it; and ſo as litle marueile it is, that a ſtone cannot depoſe a Prince by the Pope, as that *VViddrington* cannot be ſaid to low by an oxe, bleate by a sheepe, or beare fruite by a tree, here being no ſubordination or dependence, as there is in the other examples by me alleadged, and in the power of the Prince and Common wealth, which euen by WIDDRNIGTONS confeſſion is dependent of the Popes authoritie, and may be directed and commaunded by it.

35. *Secondly*, this I prooue by reaſon grounded in the opinion, which euen WIDDRINGTON himſelfe admitteth. For in the place alleadged he graunted as probable, that the Common wealth can depoſe a Prince, though he denieth that authoritie to the Pope. And in his *Apologeticall Anſwer* he confeſſeth that the Pope hath authoritie to commaunde a Prince in Temporall matters for the neceſſarie good of the Church, as to vſe his authoritie, and to draw his ſword for the neceſſarie defence therof, and that he may inflict Spirituall cenſures on him, if he diſobey.

Supra cap. 3. ſect. 4. n. 3.

Widdr. in Reſp. Apolog. n. 12. 13. 14. 15. 16. 21. 23. 27. 28. & alibi.

36. Now if wee putte this together, we

shall

shall finde, that the Pope, euē in *Widdringtons* opinion, may depose a Prince by the Common wealth, although he could not doe it by himselfe immediately: for WIDDRINGTON graunteth as probable, that the Common wealth can depose a lawfull Prince in case of intollerable tyrannie, for he graunteth that the contrairie opinion, to wit, that the common wealth can not depose a Prince, is but probable, and he confesseth that the Pope being supreame Pastour of the Church may commaund the Common wealth to vse this her Temporall power, when it is necessarie for the conseruation of the Church. And seing that a commaūder is thought to doe that, which another doth by his commaundemēt, and to bee a principall cause of that, of which the cōmaunded is but an executioner; if the Pope commaund the Common wealth to depose her Prince, and she obey her Pastour (as WIDDRINGTON confesseth shee is bound to do) then the Pope in that case shalbe said to haue deposed the Prince, because what the Common wealth doth at his commandment, he is said to doe: yea he in that case is the principall agent and the Common wealth his instrument onely and executioner: But *VViddrington* graunteth that the Pope may commaund the Common wealth to depose her Prince, *ergo* he graunteth that the Pope; if not by himselfe immediatly, yet by another, that is, by the Common

Disp. Th. cap. 3. sec. 4. n. 2. et 3.

mon wealth, can depoſe a Prince. With what conſcience then can *VViddrington* ſweare to that clauſe of the Oath, which ſayth *that the Pope neither by himſelfe, nor by any Authoritie of the Church, or Sea of Rome, or by any other meanes with any other, hath any power or authoritie to depoſe the King &c.*? ſeeing that he graunteth that the Pope may commaund the Common wealth to do it, and that euery man is ſaied to do that, which is done by his lawfull commaundement, he being in that caſe the principall Agent, and the Common wealth (as is ſayed) a ſubordinate Agent and inſtrument onely.

Pag. 75. 76. 77. 78. 79. 37. To this *VViddrington* in his *Newyeares guift* anſwereth, that a commaunder is not a true and proper cauſe, eſpeciallie when he hath not power to do that which he commaundeth, but onlie a cauſe *per accidens*: and ſo although the Pope ſhould commaund the common wealth to depoſe their Prince, and they at his commaundement ſhould depoſe him; yet the Pope ſhould not be ſayd to depoſe him as a true and proper cauſe, but onlie as a cauſe *per accidēs*. But firſt *VViddrington* in this anſwer ſeemeth at leaſt to contradict him ſelfe; for if (as he ſayeth) *a commaunder is commonlie ſayd to do that thinge which is donne by his commandement*; it followeth that a commaunder is commonlie counted a cauſe of that which is done by his commaundement: and ſo if the Pope ſhould commaund the common wealth

Widdr. in his Newyeares guift. Pag. 65. n. 7.

wealth to depoſe a Prince, & the common wealth should depoſe him at his commaundement, he should be counted by the common conceite of men, a cauſe of the depoſition: and though not by him ſelfe, yet by an other *should commonlie be ſayd to* haue depoſed him. How then can *Widdrington* ſweare againſt this that is *commonlie ſayd*, to wit, *that the Pope neither by him ſelfe, nor by any authoritie of the Church or Sea of Rome, or by any other meanes, hath any power, or authoritie to depoſe the King &c.* ſeing that it is probable by WIDDRINGTONS confeſſion, that he may be ſayd to haue power to depoſe a King, in caſe of intollerable Tyrannie, by the common wealth? Wheras *VViddrington* affirmeth, that the Pope in this caſe commaunding the common wealth, should be onlie *cauſa per accidēs*, *a cauſe by accident*, in that he applyeth onlie the common wealth, which is *cauſa per ſe*, and the true *efficient* cauſe; I muſt firſt tell him, that euen a cauſe *per accidens* is commonlie called a cauſe; and therfore the theefe who applyeth fier to the houſe, and is a cauſe by accident of burning the ſame, in that he applyeth the fier, which is *cauſa per ſe* of the burning of the houſe, is ſayd commonlie and abſolurelie to haue burned the houſe, and shall be bound to reſtitution, yea and hanged, and that iuſtlie alſo, for burning the houſe. Wherfore if the Pope in that caſe should be at leaſt *cauſa per accidens*, he should in common ſpeech be counted the

cauſe

cauſe of that depoſition. And therfore if *VViddrington* durſt not ſweare, that the theefe neither by him ſelfe, nor by any other cauſe can burne a houſe, if he can by applying the fier that cā burne it; how dareth he ſweare, that the Pope can not either by him ſelfe, or by any other cauſe depoſe a Prince, ſeing that he, by *VViddringtons* Confeſſion, can by his commaundement apply the common wealth, which is a cauſe *per ſe*, and ſufficient for ſuch an effect. Secondlie *Widdrington* abuſeth his tearmes, in ſaying that a cōmaunder is a cauſe by accident, for though he be no phiſicall cauſe of the effect, yet he is a morall cauſe, and in that kinde a principall cauſe, and a cauſe *per ſe*, which intendeth the effect, and moueth the commaunded as an inſtrumēt; and the commaunded though he haue not alwaies from the cōmaunder true authoritie (becauſe ſometymes the cōmaunder hath none him ſelfe) yet he hath from him morall influence, and is ſayd to worke the effect by vertue of his commaundemēt. And ſo betwixt the commaunder and the applyer of fier to the ſtrawe, there is great difference: becauſe he that applyeth the fier, giueth no force nor actiuitie to the fier, & ſo his application is but *conditio ſine qua non*, and he is *cauſa per accidens*: but the commaunder ſometimes giueth authoritie, and alwayes giueth morall influence and motion, (as doth the principall cauſe to the inſtrument) and ſo he is a principall cauſe and *cauſa per ſe*.

38. VVher-

38. VVherfore to cleare the matter more I will distinguish three kindes of Cõmaunders. The *First* is an vnlawfull commaunder. The *Second* a lawfull Commaunder, who hath Authoritie to commaund one to doe a thing, but can not do it him selfe. The *Third* is a commaunder, who hath authoritie not onlie to commaũd another, but may also by him selfe do the thinge commaunded, if he will. And these are absolutelie called causes, and causes principall, and *per se*, though not in the same manner. In the *First* kinde are comprehended all Lordes or Masters, who commaund theire seruantes, or ministers to kill them, whom they themselues haue no Authoritie to kill. So if a Captaine should commaund his man to kill his enemie, or one that standeth in his way of preferment, or one whose wife or purse he desireth to haue, he is sayd commonlie to be the principall cause, & the seruant, though he be a physicall cause, yet he is but a ministeriall and instrumentall cause of the murder, and though he haue no true Authoritie from his Master, yet he hath (as I sayd) morall influence, and doth the effect by vertue of that morall influẽce, which moueth him. And therfore if any restitution be to be made, he is bound principallie, and in the first place to restore, and his seruant is not bound to restitution but in defect of his Master, who is the principall cause, and gaue morall influence and

Antonin. lib. 4. tit. 13. part. 7. lib. 5. tit. 15. part. eadẽ Mercado lib. 6. Sum. cap. 7. Vasq in Opusc. de Restit. c. 9. dis. 1. dub. 3.

and motion to his ſeruant: although the ſeruant alſo, becauſe he was bound not to obey his Maſter, ſhall endure the punishments due to murderers by the law. Hence it is, that Diuines and Canoniſts do affirme; that if the commaunder do recall his commaundemẽt before his ſeruant hath donne the murder, the ſeruant then ſhall be the principall and ſole cauſe; becauſe after the commaundement is recalled, he doth the murder of his owne Authoritie, hauing now no morall influence or motion from his Maſter; and ſo then he onlie is cauſe of the murder, not his Maſter; he onlie is bound to reſtitution, if any be required, not his Maſter; and he onlie in the inward courte of Conſcience deſerueth hanging, not his Maſter; though the externall courte oftentymes, when it preſumeth that the Maſter did not reuoke his commaundement, will pronounce ſentence alſo againſt the Maſter. In the *Second* kinde is the *Confeſſarius*, who, according to the common opinion, in the Sacrament of Confeſſion can commaund his penitent to giue almes, and his penitent is bound in conſcience to giue the almes, be it money, bread, corne, or ſuch like goodes, and yet the penitent doth not looſe dominion of thoſe goods, though he ſinne in not giuing them to the poore, and ſo the Confeſſarius can not iuſtlie take them from him. In the *Third* kind are *Princes* who giue authoritie to theire Iudges to cõdemne to death,

to death, and by them or others his officers to the hangman, to punish and hange malefactours. Because although it be not conuenient for the Kinges Person to execute any immediatlie him selfe, yet as he commaundeth and giueth authoritie to others, so he might do that acte of iustice him selfe. So the Pope or Bishop, who giue authoritie to others to heare Confessions, might them selues heare Confessions, though because of their other affaires they vse not so to do.

39. This distinction of commaunders supposed, although the Pope had not authoritie of him selfe to depose a Prince, yet if he can commaund the common wealth in some case to depose the Prince (as *VViddrington* graunteth he can) he should be a true morall, and principall cause of the deposition, because he should not onlie giue morall influence to the common wealth to depose (for that euen an vnlawfull commaunder doth) but he should also giue authoritie to the common wealth: for although the common wealth hath of it selfe Authoritie to depose a Prince in some case, and hath not this Authoritie from the Pope, if the Pope haue Authoritie to commaund, it followeth, that the commō wealth obeying his commaundement and Authoritie, doth depose by his Authoritie. And this, to wit, that the Pope may depose a Prince mediatlie by the common wealth, I prooue out of *VViddrington* him selfe, who to confirme his

owne opinion, which holdeth that the Pope can not depose a Prince, alleageth *Ioannes Parisiensis*, who writeth thus as *VViddrington* alleageth him: *Si Rex est hæreticus, & incorrigibilis & contemptor Ecclesiasticæ Censuræ, potest Papa aliquid facere in populo vnde priuaretur ille seculari honore, & deponeretur a populo, excommunicando scilicet eos omnes, ad quos spectat regem deponere, qui ei vt Domino obedirent: If a King be an hereticke, and incorrigible, and a contemner of the Churches Censure, the Pope may do some thing in the people, whereby he should be depriued of his secular honour, and be deposed by the people, to wit, by excommunicating all those, to whome it appertaineth to depose the King, who should obey him as Lord.* Out of this Aurhour whom WIDDRINGTON alleageth as a fauourer of his opinion, I can easilie deduce that which VVIDDRINGTON denyeth, to wit, that though the Pope coulde not by him selfe depose a Prince, yet he might by the Common wealth. Because if the Pope can not onlie commaunde the Common wealth, but also excommunicate all those subiectes that obey such a Prince, he can compelle them to deny obedience to him, vnlesse they will be separated by excommunicatiõ from the Church, out of which is no saluation. If then any one would complayne of that Common wealth for deposing their Prince, and denying obedience vnto him; the people might answer, that the Pope compelled them so

Apud Widdr. Disp. Th. ca. 3 ser. 3. n. 71

to do

to do, and to leaue the King, vnleſſe they would leaue the Church: whence followeth, that the Pope in that caſe should be trulie ſayd to haue beene the principall cauſe of depoſition, becauſe he compelled the Common-wealth to depoſe him: If *VViddrington* should ſay to his man, kill ſuch an one, or I will kill thee; who doubteth, but that WIDDRINGTON should be counted the principall cauſe of murder: wherfore ſeing that this Authour (whom WIDDRINGTON produceth) ſayth, that the Pope may ſay to the Cõmon-wealth, to whome it appertaineth to depoſe the Prince; depoſe your Prince, or I will ſeparate you from the Church by Excommunication, (which S. AVGVSTINE ſayth is *a greater euill then to be killed by a ſword, conſumed by fier, or caſt vnto wild beaſtes to be deuoured*) who doubteth but that he should be called the principall cauſe of the depoſition, he compelling the ſubiectes therunto by ſo great a punishment? *Aug. lib. cont. aduerſ. leg. & Prophet. ca. 17. ſerm. 68. de verbis Apoſt. ca. omnis Chriſtianus 11. q. 3.*

40. Likewiſe as a forreine Prince may, and is bound ſometimes to defend Innocents, ſo the Pope may licence and authorize, yea and commaund him ſo to do, he hauing authoritie, as *VViddrington* auoucheth, to commaund a Prince in tẽporall matters: and if at the Popes commaundement this Prince make warre vpon the Prince that intolerably moleſteth Innocents in their faith and Religion (as *Victoria* in the place

before alleaged, ſaith he may) that which the Prince ſhall doe againſt the other tyrannizing Prince in the purſewing of his iuſt warre, the Pope ſhalbe ſaid to do, hee being the commaunder, and conſequently the principall agent. And yet by this Clauſe of the Oath, the ſubiects are commaunded to ſweare that the Pope hath no authoritie to authorize any forreine Prince to anoy the King of *England*, or to inuade his countries; which is to abiure at leaſt a probable opinion as certainely falſe: which how it can be done with a good conſcience, I report me euen to *VViddringtons* large conſcience. But be this ſpoken to ſhew the daunger of ſwearing this Clauſe, not to giue any ſcope againſt Kings or Princes, whome I honour as God his Images, and his Vicegerents in Earth.

The Third Clauſe.

Alſo I ſweare from my heart, that notwithſtanding any declaration or ſentence of excõmunication or depriuation made, or graunted, or to be made, or graunted by the Pope, or his ſucceſſours, or by any authoritie deriued, or pretended to be deriued from him, or his Sea, againſt the ſaid King, his Heires, or ſuc ceſſours, or any Abſolution of the ſayd ſubiects from their obedience, I will beare faith, and true alleageance to his Maieſtie,

his

his Heires and ſucceſſours, and him, and them will defend to the vttermoſt of my power againſt all conſpiracies, and attempts what ſoeuer, which ſhalbe made againſt his, or their perſons, their crowne, and dignitie, by reaſon or colour of any ſuch ſentence, or declaration, or otherwiſe; and will do my beſt endeuour to diſcloſe, and make knowne vnto his Maieſtie, his heires, and ſucceſſours, all Treaſons, and Trayterous conſpiracies, which I ſhall knowe, or heare of to be againſt him, or any of them.

41. Here VVIDDRINGTON inſulteth againſt the learned Cardinall *Bellarmine*, though the *Phœnix* for controuerſies of this our age. Cardinall *Bellarmine* (ſayth he) *Gretſerus*, and *Leſius* contend, that by this Clauſe is denyed to the Pope power to excommunicate, which yet (ſayth he) this Clauſe ſeemeth to ſuppoſe, and the King profeſſeth he had not the intention to denie. But although this Clauſe ſeeme to ſuppoſe, and the King in wordes ſeemeth to confeſſe, or at leaſt not to denie the Pope Authoritie to excommunicate, yet in effect they denie it. For depriuation of Regall Authority being an effect of excommunicating, which ordinarily followeth excommunication of Kings and Princes, in the deniall of the effect, the cauſe is denied. For as if you ſhould ſay, *A man is not riſibilis*, you ſhould denie him

Widdr. in Diſp. Theol. ca. 4. ſect. 1. n. 1. & ſeqq.

to be *homo*, ſo in denying that the Pope can depriue Princes of their Kingdomes, you denie in effect that he can excommunicate.

42. Here WIDDRINGTON in his *Newyearesgift* inſulteth againſt me for ſaying, as he makes me to ſay, *that depriuation of Regall Authoritie is an effect of Excommunication*, as neceſſarilie following Excommunication, as *riſibile* followeth *homo*. But if we looke into the matter narrowlie, we ſhall finde he triumpheth before the victorie, and counteth his chickins before they be hacht. For firſt if we ſpeake of the power of Excommunication and depriuation (of which I ſpeake but two lines before theſe wordes at which *VViddrington* carpeth) I had ſhewed in the ſeauenth Chapter before, that the power to excõmunicate which the chiefe viſible Paſtour hath, is one and the ſelfe ſame power with the power of depriuation and depoſition; which one power hath two actes and effectes, the one principall and firſt intended called *actus primarius*, and this is Excommunication, or ſuch like ſpirituall Cenſure and púnishment; the ſecond is depriuation, depoſition, and ſuch like Temporall chaſtiſement and correction, which is *actus ſecundarius*, a ſecundarie acte of the Chiefe Paſtours ſpirituall power ſecondarilie intended when the firſt will not preuaile. And theſe two actes are neceſſarilie belonging to the Popes ſpirituall power of Supremacie;

not

not that this power muſt needes alwayes *exerciſe* both, or either of them, but becauſe the Pope can not haue this power, but he muſt haue faculrie to exerciſe them when a iuſt cauſe requireth it: and ſo theſe two actes being neceſſarilie belonging to the Popes Supremacie, he that denyeth him power to depriue or depoſe a Prince, denyeth in effecte that he hath power to Excommunicate, it being one and the ſelfe ſame power: becauſe the denyall of an effect neceſſarilie belonging to a cauſe, is a virtuall denyall of the cauſe; euen as to deny that fier can heate, or rarifie, is to deny it to be fier, and to deny a man to be *riſibilis*, is to deny him to be man. Secondlie if we ſpeake of theſe two actes of this power (although WIDDRNIGTON knoweth that the learned SVAREZ alleaged by him, affirmeth that the ſuſpenſion of Kinglie Authoritie is an effect of the acte of Excommunication) I did not ſay, that depriuation is alwayes an effect of the acte of Excommunication, well knowing that although both theſe are ſo neceſſarilie belonging to the Popes power of Supremacie, that it can not be without poſſibilitie of exerciſing them, yet it is in his free choiſe to exerciſe either both, or either of them: and ſo he may excommunicate and not depriue, and he may depriue (as he did King CHILDERIC

2. *p. Append. contra Suarem ſec.* 4.

See Cap. Alius 15. q. 6. DERIC, alleaged by me pag. 250. and not excommunicate. And therfore I ſayd onlie; *that depriuation of Regall Authoritie being an effect of excommunication which ordinarilie followeth Excommunication of Kinges and Princes, in the denyall of the effect, the cauſe is denyed &c.* where WIDDRINGTON leaueth out thoſe wordes (*which ordinarilie followeth*) becauſe thoſe wordes would haue made it plaine, that I ſay not that depriuation is an effect of Excommunication in all Excommunicate perſons, but in *Kinges and Princes*, nor alwayes in excommunicated Princes (becauſe a Kinge may be excommunicated and not depoſed, and he may be depoſed, as CHILDERIC King of Fraunce was and not Excommunicated) but oftentimes and *ordinarelie*, becauſe the Chiefe viſible Paſtour vſeth not by name to excommunicere a Prince, but he alſo ordinarilie, eſpeciallie in theſe later Ages, depoſeth him, and for two reaſons alſo: the one becauſe he ought not ordinarilie to proceede to ſo ſeuere a temporall punishment before he haue tryed whether the ſpirituall punishment of excommunicatiō will preuaile: the other, becauſe to excommunicate him, and not to depriue him, were to irritate him and prouoke him to furie, and yet not to take his ſword and power from him.

Cap. Alius 15. q. 6.

43. And therefore in the Canon Lawe Temporall punishment followeth and accompanieth excommunication as *Cap. Nos ſanctorum*

ſanctorum 15. q. 6. Pope GREGORIE *the ſeuenth* holding (as he ſayth) the ſtatutes of his Predeceſſoures, abſolueth all thoſe who are obliged by faith or fidelitie to excommunicated perſons from their fidelitie. And in the next Chapter which beginneth with the word *Iuratos*, Pope VRBANE abſolueth ſouldiours from their fidelitie to Count HVGO excommunicated. And in the Decretalles *Cap. Ad abolendum de Hæreticis* Countes, Barons, Rectors, and Conſulles of Cities, who will not ayde the Church againſt heretickes, are excommunicated and depriued, or to be depriued of their former réporall honour, made vnable and vncapable of all future dignities, and their Landes are Interdicted. And in the next Chapter *Vergentes* INNOCENTIVS *the Third* confiſcateth the goods of Heretickes. And in the Chapter *Si aduerſus* all Aduocates, and Notaries, who fauour Heretickes, are made infamous, and are depriued of their office. Likewiſe in the Chapter. *Excommunicamus*. before cited all Heretickes are excommunicated, and after the condemnatorie ſentence are to be chaſtiſed with due punishment by the Secular Iudge, and their goods are confiſcated: in which Chapter alſo is to be ſeene the Decree of the Great Councell of Lateran, which aboue I haue alleaged: And in the ſame Chapter beleeuers, receiuers, defendours, and fauourers of Heretickes are excommunicated, declared infamous, and

vnable to beare office, to make a Teſtament or laſt will; and if he be a Iudge, his ſentence is diſanulled &c. And in the laſt Chapter of this Title *de Hæreticis*, GREGORIE *the Ninth* concludeth with theſe wordes: *whoſoeuer by any promiſe howſoeuer confirmed, were obliged to thoſe who are manifeſtlie fallen into Hereſie, let them know that they are abſolued from the duetie of fidelitie, homage, and ſeruice.* And *Cap. Cum ſecundum leges de Hæreticis in* 6. The Pope ſayth, that if by the Ciuill Lawe diuers tranſgreſſours, which he nameth, be iuſtlie depriued of their goods, *bona Hæreticorum (qui grauius, horribilius, ac deteſtabilius, quam prædicti delinquunt) ipſo iure, de fratrum noſtrorum conſilio decernimus confiſcata: the goods of Heretickes, (who more grieuouſlie, more horriblie, and deteſtablie, then the aforeſayd delinquents, do offend) we decree ipſo iure* to be confiſcated. Wherfore although that Excommunication may be ſeparated from all temporall punishment, and that the Pope may excommunicate a Prince, and yet not depoſe him (as INNOCENTIVS the firſt did excommunicate ARCADIVS whome yet he depoſed not) yet ſeing, that in the Common law Temporall punishment, as confiſcation of goods, infamie, and euen abſolution from fidelitie to Princes are annexed to Excommunication, and proceede from the power of Excommunication, and ordinarilie follow the acte of Excommu-

communication: I might well ſay that depriuation of Regall authoritie is an effect *which ordinarilie followeth Excommunication of Kings* and yet ſay no more then the learned *Suarez* aboue alleaged, nor then S. THOMAS of AQVIN, where he ſayth, that the Prince who hath made an Apoſtaſie and reuolt from the true Chriſtian faith receaued at leaſt in Baptiſme, is conuenientlie depriued of rule ouer his ſubiects, and that *quam citò aliquis per ſententiam denuntiatur Excommunicatus propter Apoſtaſiam a fide, ipſo facto eius ſubditi ſunt abſoluti a dominio eius, & Iuramento fidelitatis: ſo ſoone as any one by ſentence is denounced Excommunicated for Apoſtaſie from faith, ipſo facto, at the ſame inſtant his ſubiects are abſolued from his Dominion or Soueraigntie, and from their oath of fidelitie.* Where it is manifeſt, that he maketh abſolution of the ſubiects from their fidelitie an effect in ſome ſort of the acte of Excommunication.

2.2.q.12 art. 2.

44. Put then all this together, to wit, firſt, that depriuation of Regall authoritie is an acte though *ſecondarie*, yet *neceſſarilie* appertaining to the Chiefe Paſtours ſpirituall power by which he Excommunicateth; he that denyeth him power to depriue, denyeth neceſſarilie his power to excommunicate, it being one, and the ſelfe ſame power, as aboue is prooued. Secondlie, ſeing that depriuation, and other tempo-

rall

rall punishments aboue related do ordinarilie follow the acte of excommunication, though by a secondarie acte of the Popes spirituall power, as is aboue explicated, he that denyeth the Pope power to depriue, denyeth him also power to excommunicate, depriuation being at least a morall effect euen of the acte of excommunication. This I explicate by *homo*, and *risibilis*, not that I auerre as necessarie a coniunction betwixt the acte of excommunication and depriuation, as is betwixt *homo* and *risibilis*; no example holding in all thinges, but for that as because there is a necessarie, and physicall connexion betwixt *homo* and *risibilis*, he that denyeth a man to be *risibilis*, doth necessarilie deny him to be *homo*: so because there is a necessarie connexion betwixt the power of excommunication and depriuation, both actes appertaining necessarilie to that power, he that denyeth the Pope authoritie to depriue a Prince, necessarilie denyeth him power to excommunicate, the denyall of a necessarie effect implying verruallie a denyall of the cause: and because there is a morall coniunction, at least betwixt the acte of excommunication & depriuation, this as before following ordinarilie that, he that denyeth the Pope authoritie to depriue, morallie at least denyeth him power to excõmunicate: which is sufficiẽt to make any timorous conscièce feare to sweare that the Pope can not de-

priue

priue a Prince, eſpeciallie if thereunto be added, that depriuation is a ſecondarie acte neceſſarilie appertaining to the Popes ſupremacie and power of excommunicating, becauſe the denyall of an acte and effect though ſecõdarie (if it neceſſarilie belonge to a cauſe) importeth a denyall of the cauſe; and therfore not onlie he who denyeth that fier can burne or heate (which is the firſt acte and effect of fier) but alſo he that denyeth that fier can harden and rarefie (which are ſecondarie actes of fier) denyeth it to be fier. And in this ſence Leſſius, or his Recapitulatour cited by *VViddrington* ſayd, and (whatſoeuer *VViddrington* ſayth) trulie ſayd, that *Abſolutio ſubditorum a vinculo fidelitatis eſt effectus, qui ſententiam Excommunicationis neceſſariò conſequitur, & Eccleſiæ praxis per mille ducentorum & amplius annorum ſpatium commonſtrat:* *Abſolution of ſubiects from the bond of fidelitie, is an effect which neceſſarilie followeth the ſentence of Excommunication, as the practiſe of more then twelue hundred yeares doth ſhew*; becauſe this Abſolution of ſubiectes from fidelitie, is an acte neceſſarilie appertaining to the power of Excommunicating, and morallie and ordinarilie it followeth euen the acte of excommunication, as we haue ſayd, and prooued; and in the ſame ſence the Angelicall Doctour S. THOMAS of AQVIN ſayth, *that ſo ſoone as one is denounced by ſentence Excommunicated for Apoſtaſie from faith, ipſo facto by the verie facte of Excommunication denounced his ſubiects*

Widdr. in Diſp. Theol. c. 4. n. 4. & 7.

2. 2. q. 12 art. 2.

iects are freed from his Dominion, Rule or Soueraigntie. By which wordes S. THOMAS maketh depriuation an effect of the ſentence of Excommunication as much as I did; and therfore either meaneth, that excommunication is a cauſe of depriuation immediatlie by it ſelfe, or that Depriuation followeth it in manner aforeſayd. And ſo the acte of Depriuation being at leaſt a ſecondarie acte of the Popes ſpirituall Supremacie; to deny that he hath power to depriue, is to deny that he hath power to excommunicate, it being all one power, and conſequentlie it is to deny couertlie his ſpirituall Supremacie.

45. But beſides this, all the Argumentes, which I haue alleadged to prooue that the Pope can depoſe Princes, and all which I haue ſayd againſt the former two Clauſes, do manifeſtly prooue that this Clauſe wanteth the three companions of an Oath, and ſo can not lawfullie be ſworne. That *Iudgement* wanteth, it may appeare by that, which I haue ſayd in the verie beginning of my examination of this Oath. That it wanteth *Veritie*, it is as euident, as it is that the Pope can depoſe Princes. And though it were but probable that the Pope could degrade Princes, yet to ſweare abſolutely that he can not, were to expoſe the ſwearer to daunger of periurie; yea it were to ſweare a falſehood, and ſo to committ actuall periurie. For as it is periurie to ſweare as true

that

that which is falſe, ſo is it to ſweare a thing to be vndoubtedly and aſſuredly true, which is but probable; becauſe it is falſe, that that which is but probable, is abſolutely, and aſſuredly true. Wherefore ſeing that it is falſe that the Pope cannot in ſome caſe depoſe Princes, and by *VViddringtons* frequent confeſſion, is at leaſt probable that he can (for he ſayth that the Popes, who depoſed Princes, followed a probable opinion, and he confeſſeth that he contendeth not to ſhew that it is an hereticall or falſe opinion, but onely that it is not *de fide tenenda*: *to be held as a matter of faith*) it followeth that this Clauſe can not be ſworne, it abſolutely and with great aſſeueration denying the Pope Authority to depoſe. And although if the Pope ſhould excommuntcate and depoſe a Prince, a ſubiect in ſome caſe might yet obey in lawfull thinges, becauſe feare of death, or loſſe of liuings would excuſe him, when otherwiſe it is no ſcandall, nor no abſolute fruſtration of the Cenſure to obey him in particular; yet to ſweare this in ſo generall termes, can not be lawfull, as not only my former Arguments, but alſo euen that, which out of *Victoria* I haue alleaged, doth manifeſtlie prooue.

Widdr. diſp Th. c. 6. ſec 3 n. 15. & ſeqq.

Diſp. Th. in praef. n. 2. & 3.

46. That this Clauſe wanteth alſo the third companion & condition of a lawfull oath, which is *Iuſtice*, is as manifeſt, becauſe it derogateth from the Authoritie, which the Pope iuſtlie claymeth, and hath of long time

time not only poſſeſſed, but alſo practiſed: and ſo to ſweare this Clauſe, is to ſweare and promiſe by oath an act of iniuſtice.

The Fourth Clauſe.

And I do further ſweare, that I do from my heart abhorre, deteſt, and abiure as impious and hereticall this damnable doctrine and poſition, that Princes, which be excommunicated or depriued by the Pope, may be depoſed or murthered by their ſubiects, or any other what ſoeuer &c.

40. This Clauſe, as it is more plaine, ſo can it with leſſe shew be taken, becauſe the common opinion, which holdeth that the Pope can depriue and depoſe Princes, is moſt certaine, as I aboue haue prooued, and at leaſt it is the more common, and being confirmed by ſo many Argumentes and ſuch Authoritie and practiſe of holy and auncient Popes, and at leaſt, euen by *VViddrington* his owne confeſſion, holden as probable; how can any that haue any conſcience ſweare that it is *impious*? and how eſpecially can he ſweare that it is *hereticall* and *damnable*, it neuer hauing beene conby the Church, and defined by Generall Councels, as aboue is declared?

Widdr. in Diſp. Th. ca. 6. ſect. 2. n. 9. etſeqq.

47 *Widdrington* anſwereth that to make the poſition here abiured as hereticall, it is ſufficient that one part of it be hereticall, to

witt,

witt, that Princes excommunicated by the Pope, may be murthered. And therefore although it be not hereſie to ſay that Princes excommunicated or depriued by the Pope, may be depoſed; yet ſeing that at leaſt it is hereticall to ſay, that they may be killed, it being flat againſt Scripture which forbiddeth abſolutely to kill, eſpeciallie Kings (for *who ſhall extend his hand againſt the Anointed of our Lord, and ſhall be innocent?*) the *poſitiõ* abiured muſt needs be hereticall. Exod. 20 1. Reg. 26.

48. That it is ſufficient, to make the *poſition* here abiured hereticall, that the laſt part thereof be hereticall, WIDDRINGTON prooueth; becauſe (ſayth he) the word (*May*) when it goeth before the Coniunction (*or*) ſignifieth that it is in our free choice and election to do the one or the other, and therefore (ſayth he) though the propoſition ſeeme to be diſiunctiue, yet it is not an abſolute, but a conditionall diſiunctiue, æquiualent to a Copulatiue. And ſo to ſweare that it is hereticall doctrine to ſay that Princes excommunicated and depriued by the Pope, may by their ſubiects, or any others be depoſed or murdered; is to ſweare that it is hereticall doctrine to ſay that after the Prince is excommunicated and depriued by the Pope, it is in the free election of his ſubiects or others to depoſe him, or kill him, as they will, which is hereticall; becauſe at leaſt they cannot kill him, as is prooned. And to prooue that this is the

meaning of that Clauſe, he alleageth many examples and manners of ſpeeches, which haue the ſame ſenſe: as if one should ſay: *You may eate or drinke. You may go by horſe, or on foote*: The meaning is, you may do of theſe which you will.

49. But this his Anſwer (by his leaue) is not ſufficient to ſatisfie anie timorous or rightely fearefull conſcience. For *firſt*, although ſometimes the Coniunction (*Or*) when it followeth the verbe (*may*) be taken in the meaning that *Widdrington* affirmeth, yet not alwaies; yea ordinarily it is taken diſiunctiuelie. And ſo, as to verifie a *diſiunctiue propoſition*, it is ſufficient that one part of it be true; ſo to make it falſe, both parts muſt be falſe. As for example, if one should lay a wager, that to morrow it will either raine or ſnowe, to winne the wager, it is ſufficient that it do either; but to make the propoſition falſe, and to cauſe him to looſe his wager, neither muſt happen, that is, it muſt neither raine, nor ſnowe. Wherefore ſeeing that the Coniunction (*or*) is ordinarily taken diſiunctiuelie, and many times alſo when (*may*) goeth before it; it remaineth yet to be prooued by *Widdrington* that (*or*) is taken copulatiuelie in the Clauſe alleadged. As for example if one should ſay: *It is hereticall to ſay that a man may ſteale or committ aduoutrie*, in that propoſition (*or*) is taken diſiunctiuelie, and the propoſition importeth that it is hereticall to ſay that a man may either

either ſteale or committ aduoutrie: Or (becauſe he may ſay this is true by reaſon of the matter not of the forme) if he should ſay: I deteſt as hereſie that Poſition which ſayth, that a man may be baptized of an Heretieke either lawfullie *or validlie*, were it not a falſe and hereticall deteſtation? and yet by reaſon of one parte of the diſiunctiue propoſition, to wit, *or validlie*. The verie like (as who ſo marketh shall perceaue) is the propoſition alleadged; and therfore it importeth, that it is an hereticall propoſition, to ſay that Prince excommunicated and depriued by the Pope, may be either depoſed or killed. Whence it cometh to paſſe, that the partie who ſweareth that Clauſe, shall ſweare that it is hereticall to ſay that Princes excommunicated by the Pope may be depoſed, which notwithſtanding is no where condemned as hereticall, yea is decreed by Generall Councells, and practiſed by many holie and learned Popes, allowed of by common conſent, and laſtely confeſſed by *VViddrington* himſelfe as probable.

50. *Secondlie*, ſeeing that this manner of ſpeech is often, yea ordinarily taken in a diſiunctiue meaning, it maketh this Clauſe at leaſt doubtfull, whether it alſo be not taken diſiunctiuelie, and ſo importe that it is hereticall to ſay that a Prince excommunicated may be depoſed. And ſeeing that no man can ſweare a doubtfull thing, leaſt he

expoſe himſelfe to periurie in ſwearing falſe, and conſequently make himſelfe guiltie indeed of periurie, becauſe euerie one is eſteemed guiltie of that ſinne or crime, to which he expoſeth himſelfe, and
Eccleſ. 3. *qui amat periculum, in illo peribit*: *He that loueth daunger, ſhall periſh in it*: therfore he can not ſweare this Clauſe, hauing no better aſſurance for the trueth therof, then as yet *Widdrington*, or any other can alleadge (which is none at all) and ſo long, remaining at the leaſt doubtfull and vncertaine. Thirdlie *Widdrington* in this his explication doth euidentlie contradict the intẽtion of the Kings Maieſtie, Parlamẽt, & Authours of the oath; for their intention (as we haue ſeene aboue) was to ſecure the Prince not onlie from killing, but alſo, & eſpeciallie from depriuatiõ, and depoſition; partlie becauſe a King ordinarilie would chooſe as willingelie to be killed, as to be depriued and depoſed, he by depoſition or depriuation being made of a King no Kinge, but a priuat man; partlie becauſe when he is once depriued, or depoſed, he is in daunger to be killed by his ſubiectes if he perſiſt in gouernment, for then they who holde his depoſition to be of force, do holde him as an inuader. So that *Widdrington* by this expoſition making the ſwearer to ſweare onlie that the Kinge excõmunicated cannot be killed, ſecureth him not from depoſition or depriuatiõ, no nor from killing, as I haue shewed, and ſo maketh the oath

fruſtrate,

frustrate, secureth not the Kinge, and contradicteth the Kings and Parlaments intention, which they had in framing, proposing, and commaunding this oath to be taken, therby to secure the King.

51. Fourthlie although for the respect I owe and beare to Princes, and especially to my owne naturall Liege, I will not auerre that Princes persisting in possession and gouernment of their Kingdome, after that the Pope hath excommunicated and depriued them, may be deposed, and killed also by their former subiectes, or any other power or potentate: yet seeing that many do affirme and holde it, whose opinion notwithstanding is no waies censured for hereticall, or so much as temerarious, or erroneous; I do not see how that position, though taken in *VViddringtons* sense and meaninge, can be abiured as hereticall. I acknowledge that it is condemned as heresie in the *Councell* of *Constance*, to say that *quilibet Tyrannus potest & debet licitè & meritoriè occidi per quemlibet vasallum suum vel subditum &c. Euery Tyrant may and ought lawfullie and meritoriously be killed by euerie one of his vasalls or subiects, euen by secret wiles or ambushements, and by craftie enticements and adulations, notwithstanding whatsoeuer oath or couenant, or without expecting the sentence or commandement of whatsoeuer Iudge.* But this is vnderstood of him, who is true King, but gouerneth tyrannically (who can not be killed by any one of his vasalls or subiects) and

Concil. Cõstant. sess. 15.

and not of euery Tyrant. For if the Tyrant be an open inuader and vſurper of the crowne without all Title, then (according to the † common opinion) euerie one of the Realme hath *iuſtum bellum*, iuſt warre againſt him, and ſo may kill him by way of defence: Yea although the Tyrant haue iuſt Title, and ſo be true King, yet if he tyrannize in gouernment, not howſoeuer (for* euill Kings muſt be borne withall and ought to be obeyed) but intolerably, and ſo as the Common wealth can not conſiſt vnder him, that then, not particuler ſubiects, but the Common wealth after ſufficient admonition, may by common conſent, publick authoritie, and publick ſentéce depoſe him. As for example, if the Prince should vniuſtely kill all his nobilitie, cauſe their wiues to be rauished, maſſacre their children, ranſack their houſes and families, and withall giue their lands and liuings to others, & for no offence alſo, but out of his owne humour; then (ſay diuers Authours) the Common wealth, as she made him King (for although ſome be Kings by ſucceſſion, yet the firſt King, as before is declared, if he were lawfull, came to the crowne by electiō of the people) ſo by the ſame power, which in caſe of intolerable tyrannie returneth againe vnto her, she may depoſe him, and, if after depoſition he perſiſt, she may kill him, if otherwiſe she finde no meanes to reſiſt him. This was the opinion of many

† *Vide D. Tho. lib. 2. de regim. Princip. c. 6. Caiet. 2. 2. q. 64. a. 3 & Arragon. ibid. Sayr. lib. 7. Clau. Regiæ, cap. 10. nu. 4. & reliquos infra citandos.*

* *Rō. 13. 1. Pet. 2.*

of many of the *a* auncient Philosophers; and this also many Christian *b* Lawiers, and learned *c* Diuines do maintaine. Yea this *d Viddrington* himselfe dareth not denie: for (sayth he) *I do not absolutely professe, testifie, and declare that the Ciuill Comuon wealth hath no power to depose a Prince &c.* And if Kings, who were not excommunicated nor depriued by the Pope, may by the Common-wealth be deposed and killed, when they are intolerable Tyrants; why may not the Common wealth exercize the same power ouer Tyrants excommunicated and depriued by the Pope, they after excommunication and depriuation being no more Kings, but priuat men?

52. How then, and with what conscience can any one sweare that he holdeth it in conscience for an hereticall position and doctrine, to say that Princes excommunicated by the Pope, may by him, or any other authority be deposed or killed? Yea in the examination of the second Clause, † I haue alleaged Titles out of *Victoria* of iust warre, which a forraine Prince may make against the true Prince in fauour of Religion and Innocencie; which Titles are at least probable,

a Zenophon lib. de Tyran. Arist. lib. 2. Polit. cap. 5. & li 5 cap. 10. & 11. Cic. lib. 3. de offic.

b Gigas, Paridius de Puteo, & alij citati a Suar. lib. 6. defens. fidei Cathol. c. 4.

c D. Tho. citat. in 2 d. vlt. q. 2 ar. 2. ad 5. Gerson par. 4 tract. cõtra adulatores, consid. 7. Sotus lib. 5. de iust. q. 1. ar 3. Bannes 2. 2. q 64.

a 3. dub. 1. § sed quaret aliquis. Valētia to. 3. disp. 5 q. 8 p. 3. § si est Tyrannus. Molina to. 4. de iust. tract. 3. disp. 6. n. 2. Tolet lib. 5. Summa, cap. 6 num. 17. Sa in Aphorismis, V. Tyrannus, num. 2. Lessius lib. 2. de iust. & iure, cap. 9. dub. 4. num. 12. Suar. lib. 6. defens fidei, cap. 4. Estius in 2. dist. 44. §. 2 vers. Virum verò. d Disput. Theol. cap. 3. sect. 4 n. 3. † Supra nn. 14. & seqq.

bable, and at leaſt are in no parte of ſcripture nor Councell condemned as vnlawfull and impious, or hereticall. I demaund then how *VViddrington* (who holdeth it probable that the Common wealth may depoſe a Tyrant, and that the Pope may commaũd the Common wealth ſo to do) with a timorous conſcience, or with any conſcience at all, can ſweare that the Prince excommunicated can in no caſe, and by no authoritie, nor for no Tyrannie be depoſed or killed: yea that it is an hereticall and damnable poſition to teach it, ſo many teaching it, whoſe doctrine was neuer condemned? If *widdringtons* conſcience can diſgeſt this, what can it not diſgeſt? But VVIDDRINGTON (as he that will make good that which can hardlie be auerred, muſt needes doe) hath deuiſed yet two anſweres.

Pag. 43. 52. 103.

53. The firſt which hee giueth in his *New-yeares-guiſte*, is in effect this: It is but a probable opinion that the Pope can depoſe a Prince, and ſo after the Sentence of depoſition or depriuatiõ, the Prince depoſed hath probable right and Title, and ſo being in Poſſeſſion, the Pope cannot iuſtlie depoſe him, becauſe better is the condition of the Poſſeſſour. Wherefore as it is lawfull to ſweare that it is hereticall to ſay that a man may ſteale, or kill his neightbour by priuate Authoritie and not in his owne defence, or thruſt him out of his owne howſe; ſo it is as lawfull to ſweare that it is hereſie: to ſay

that

that the Pope may depoſe a Prince, it being open Iniuſtice to diſpoſſeſſe him, who hath probable right and Title. And if you obiect that it is not againſt any definitiõ of Church or Councell to ſay that the Pope can depoſe a Prince, and ſo cannot bee hereticall: hee anſwereth that it is againſt Scripture, which forbiddeth iniuſtice, and that this is ſufficiẽt to make the aſſertiõ hereſie, which affirmeth it lawfull. But to omit that it is the manner of heretiques to ſquare all by Scripture, and not by the Churches definitiõ: this anſweare firſt ſuppoſeth it to be an opinion onlie probable, that the Pope can depoſe a Prince, and yet aboue I haue prooued it, no leſſe then certayne by manie Arguments, and by this in particular, that if it were but probable, the Decree of the Councell of Laterane, and the facts of manie holie Popes who haue depoſed Princes, should bee all vniuſt; which with what modeſtie *Widdr.* can graunt, I reporte mee to all modeſt Catholickes. And if it bee certaine that the Pope can depoſe a Prince, then it is not probable, that the Prince depoſed hath probable right, but rather it is certaine he hath not, and ſo Poſſeſſion without probable Title being not ſufficient (for that euen theeues haue ſuch poſſeſſion) it followeth that the Pope may depoſe a Prince without all iniuſtice, and ſo it cannot bee an hereſie to teach that the Pope can depoſe a Prince, and conſequentlie that poſition can not bee

abiured as hereſie. Secondlie the power to depoſe, and the exerciſe of this power being two things (as aboue wee haue ſeen) in ſo much that one may haue power and yet can not lawfullie exerciſe it, nor ſome tymes validlie; and this clauſe of the oath not cõmaũding onlie to ſweare, that the Pope can not lawfullie depoſe, but abſolutlie that hee can not depoſe, how can *Widdrington* without remorſe ſweare abſolutelie, that it is an hereſie to ſay that the Pope cã depoſe a Prince.

54. His ſecond anſweare which he hath in his *Theologicall diſputation*, as alſo in his *Newyeares-guiſte*, is this; to witt, that the aduerbe *ſicut*, *as*, may heere onlie ſignifie a ſimilitude and not equallitie, or identitie: and ſo the ſenſe is, *I doe from my heart abhorre, deteſt, and abiure as impious, and hereticall*, that is not as a poſitiõ with is hereſie, but which hath ſuch affiniitie or ſimilitude with hereſie and errour, that the Pope might declare it hereſie if hee would. As, ſaith hee, if one ſhould ſay I deteſt him as a deuill, I loue him as my brother, he doth not therefore affirme him to be truelie a deuill, or trulie his Brother. And when S. GREGORIE ſaith, that he receaued the 4. Generall Councells as the 4. Goſpells: and when Chriſte ſaid Marc. 15. *Be you perfitt as your heauenlie father is perfitt.* S. GREGORIE did not receiue thoſe Councells as trulie ſcripture, nor did Chriſt Counſell vs to bee trulie as perfitt as our heauenlie father. But firſt this Sillie anſwere sheweth

Diſp. Th. c. 5. n. 28
Newyearesguiſte pag. 105.
Lib. 1 ep. 24.

to what

to what Shifts *VViddrington* is driuen. For firſt the King and Parlament doe hold it as a poſition truelie hereticall that the Pope can depriue, or that the Subiects can depoſe & kill him whom the Pope depriueth: and ſo it is moſt like that in this Clauſe they intend that the ſwearer should abiure that poſition as truelie hereticall. Secondlie thoſe proteſting, execrating, and thundring wordes: *I doe further ſweare that I doe from my heart abhorre, deteſt and abiure as impious & hereticall this dãnable doctrine and poſitiõ &c.* doe argue that the ſwearer deteſteth that poſition as in deede hereticall, impious, and damnable; otherwiſe, if after ſo great wordes of abiuration hee should abiure it onlie as approching or ſomething like to hereſie, wee might ſay, *parturiunt montes naſcetur ridiculus mus.* neither are *VViddringtons* examples to the purpoſe, becauſe it being euident that hee whom wee deteſt as a deuill, can not be trulie a deuill, and that hee whom wee loue as our brother, can not bee our true brother; it muſt needes ſignifie onlie ſimilitude not equalitie; but ſeing that it is not euident *in terminis*, as the former poſitions are, that that poſition can not bee hereſie, and that the Authours of the oathe doe hold it for hereſie, it followeth that in this place (as) muſt ſignifie equalitie or identitie, not ſimlitude: as *VViddrington* in his *Newyeares-guiſte* confeſſeth that ſometimes it doth *in regard of the matter*; And ſo by this Clauſe wee are to abiure

Newyeares-guiſte Pag. 106.

abiure that Position, not as like to hereſie, but as all one with hereſie, & trulie hereſie. Thirdlie it is at leaſt doubtfull leaſt this may bee the ſenſe, to witt, that the poſition is truelie hereſie, ſpeciallie ſeing that the wordes and manner of ſpeeche (as WIDDRINGTON confeſſeth) are to bee taken in the Common ſenſe, and according to the Lawemakers intention, *ergo* this is a clauſe, not to bee digeſted by anie tymerous conſcience, nor by any other, then by an all deuouring conſcience.

The Fift Clauſe.

And I do further beleeue, and in conſcience am reſolued, that neither the Pope, nor any perſon whatſoeuer hath power to abſolue me of this Oath, or any part thereof.

Sayrus in Claui Regia li. 6. ca. 11. n 7. Leſſius li. 2. de iuſt. et iure cap. 40. dub. 17. num. 114. Arragon. 2. 2. q. 88. art. 10 in expl. art. 5. his cõſtitutis Pſal. 75.

55. In this Clauſe firſt is abiured all power to diſpenſe in oathes and vowes, which is hereticall, it being a matter of faith conformable to common conſent and to the Canons and practiſe of the Church, that the Pope can diſpenſe in oathes and vowes, when there is iuſt cauſe. And if in other oathes, why not in this? *VViddrington* perchaunce will anſwere, that this Oath of Alleageance bindeth by law of God and Nature, in which the Pope cannot diſpenſe. But he cannot be ignorant that all oathes and vowes do bynde by law of God

God and Nature, according to that: *Vouete & reddite: Vow and render.* And yet if hee will be a Catholicke, he muſt confeſſe, that the Pope can, and often times hath, and doth diſpenſe in ſome oathes and vowes, as in a vow to make a longe pilgrimage, or to giue a ſumme of mony to a Church or Monaſterie, which are temporall things, though ordained to a ſpirituall end: and why then can he not diſpenſe in this for a good end, to wit, conſeruation of faith, and vpon iuſt cauſe, as certes, if euer there be iuſt cauſe to diſpence, then there is, when the Prince with intolerable Tyrannie perſecuteth faith and Religion? *Pſal. 75.*

56. And therefore *VViddrington* should call to minde that diſtinction, which Diuines vſe in this matter, to wit, that there is *duplex ius diuinum naturale, a two fold diuine and naturall law or right.* The one is *abſolute*, deriued onely from God and Nature: the other *ſupponit factum, vel voluntatem humanam*, that is *ſuppoſeth ſome fact, or will of man.* Of this ſorte are oathes and vowes, which binde not abſolutely, but only ſuppoſing ſome fact or will of ours, by which wee ſweare or vowe what otherwiſe we needed not. And although in all ſuch things the Pope cannot diſpenſe (for he can not diſpenſe in matrimonie conſummated, nor in matrimonie betwixt brother and ſiſter, nor in pluralitie of wyues, which yet ſuppoſe ſome fact or will of ours) yet he can diſpenſe in vowes, eſpeciallie

Sanchez lib. 2. de matrim. diſp. 14. n. 5. ad 4 & lib. 8. diſp. 6. n. 1.

especiallie simple, yea and in those that be solemne also, as many Diuines do probablie holde: He can also dispense in oathes alreadie made, when there is iust cause; for seeing that these vowes and oathes suppose our free will and consent, and are such also, as it is expedient that the Pope many times should dispense in them (such as is not matrimony consummated, nor mariage betwixt brother and sister, nor pluralitie of wiues, because if once dispensation in these were graunted, it would occasion many fornications and aduoutries, as *Sanchez* and others obserue) it was necessarie that CHRIST should leaue such power to his Church, and especially to his Chiefe Vicaire, the Pope, by which he might take away the obligation of these oathes and vowes, which in some circumstãce of times and persons can not so easily, nor so conueniently be fulfilled and obserued. So that to sweare that the Pope hath no Authoritie to dispense with a subiect in his Oath, by which he hath sworne fidelitie to the King, where as notwithstanding, when the King is an intollerable Tyrant, there is good reason, and iust cause of dispensation, were in effect (what soeuer *Viddrington* affirmeth) to abiure all Authoritie of the Church in dispensations. For although it be no good Argument to argue *à particulari ad vniuersale*, and to say, The Pope can not dispense in this Oath, *ergo* in none: yet when there is the same

Sanchez lib. 2. de matrim. disp. 13. n. 11. lib. 7. disp. 52 n. 11. & disp. 82. num. 9. Videetiã Bellarm. li. de matrim. ca. 10. 16. & 28.

In Disp. Theolog. ca. 6 sect. 1. n. 2.

ſame reaſon of the particular, which is in the vniuerſall, then to deny the particular, were to deny the vniuerſall. And therefore as to ſay, *Peter* (who is a man as well as others) *is not riſibilis*, were in effect to ſay that *nullus homo eſt riſibilis*; ſo ſeeing there is the ſame reaſon of this Oath towards the Prince, which is of other oathes, he that denieth that the Pope can diſpenſe in this Oath, denyeth alſo in effect that he can diſpenſe in any oath at all.

57. This power, which the Pope hath in diſpenſing in this Oath, I confirme by all that, which aboue I haue alleaged to proue that the Pope can depoſe Princes, and abſolue ſubiects from their alleageance, and euen by the power of binding and looſing, *Mat.18* which though ordinarilie it be vnderſtood of looſing from ſinnes and cenſures, yet it is alſo extended to abſolution from alleageance, when it is neceſſarie to the Churches conſeruation (as aboue I haue shewed) not only by Cardinall *Bellarmine*, whoſe aythoritie *VViddrington* should rather reuerence then contemne, but alſo by auncient Popes, whoſe teſtimonies in this kinde ought to counterpoize all contrarie aſſeuerations, they being in a matter of ſo great importance vndoubtedly illuminated by the ſpirit of trueth, and deliuering the right ſence of the Holy Ghoſt, as his Chiefe and infallible interpretes.

58. To this WIDDRINGTON anſweareth, *Diſp.Th. cap.6.* graunting

graunting that although the Pope cannot diſpenſe *in iuramento aſſertorio*, (of which noe man doubteth) yet he may *in iuramento promiſſorio*, a promiſſorie oath, becauſe the thing which we promiſe for the future tyme, may prooue hurtfull or vnlawfull. And ſeing that the things promiſed for the future tyme in this Clauſe are three. 1. That I will keepe fidelity and obedience to the King and his heires, notwithſtanding excommunication or depriuation; 2. That I will defend him and them with all my forces againſt all conſpiracies made againſt them and theire Crowne and dignitie. 3. That I will reueale all ſuch treaſons and trayterous cõſpiracies &c. He ſayth I may as ſafelie and ſecurelie ſweare without all daunger of periurie, that I will doe all theſe three things, as I may ſweare without daunger of periurie, that the Pope can not depriue a Prince. But out of theſe wordes of WIDDRINGTON, I will frame this argument againſt him ſelfe: I can noe more ſweare theſe three thinges, then I can ſweare without all daunger of periurie, that the Pope can not depriue a Prince: but I can not without daunger of periurie ſweare, that the Pope cannot depriue a Prince, *ergo* I cannot ſweare theſe three things without daunger of periurie. The maior propoſition is WIDDRINGTONS, the minor I haue often prooued, becauſe itis at leaſt probable, euen by WIDDRINGTONS confeſſion,

feſſion, that the Pope can depriue a Prince; and if it be probable that he can, it may be true, if it may be true, there is daunger of periurie to abiure it: and ſo the Concluſion followeth, to wit, that I cā not ſweare theſe three thinges without daunger of periurie.

The Sixt Clauſe.

Which Oath I acknowledge by full and lawfull Authoritie to be propoſed vnto me, and do renounce all pardons and diſpenſations to the contrarie.

59. In this Clauſe the ſwearer acknowledgeth that this Oath is propoſed by full and lawfull authoritie, which notwithſtanding is not at leaſt ſo certaine a thing, as that a man may ſweare it. For although the Magiſtrate haue authority to propoſe an Oath of meere Ciuill alleageance vnto lay ſubiects; yet he hath not authority to propoſe ſuch an Oath as this, which (as I haue prooued) containeth ſo many thinges not to be ſworne, and ſo much derogateth to the Authoritie of the Pope, which for ſo long a time he hath poſſeſſed and practiſed. And eſpecially the Magiſtrate can not propoſe this Oath to all ſortes of people, ſeeing it can not be without morall daunger of periurie; much leſſe can he propoſe it to Prieſts, whoſe Eccleſiaſticall immunitie freeth them from Magiſtrates and Temporall Iudges interrogations, and Tribunals, *Ca. quæ quam, de*

Cenſibus in 6. Ca. aduerſus & cap. non minus, de Immunit. Eccl.

and who only are to be examined by their Bishops and Ordinaries, and by them to be punnished when they offend, and not by any Temporall Iudges, vnleſſe the fault be ſo great, that the Bishop thinketh it meet to degrade the delinquent, and to deliuer him to ſecular power. And ſo it being a thing at leaſt verie doubtfull, whether the Prince and Magiſtrate haue authority to propoſe ſuch an oath; yea it being euident that they cannot, becauſe (as aboue is prooued) it is euident that it containeth many things, which are againſt faith, and Authoritie of the Church and Councells: the Prince and Magiſtrate can haue no authoritie at all, much leſſe full and lawfull Authoritie, to propoſe this Oath. And ſo neither can this Clauſe be admitted.

60. Adde to this, that, what ſoeuer VVIDDRINGTON ſaith, the King and Parlament by this oath, do take vppon them to decide what power the Pope hath from Chriſte the Authour and S. Peter the Popes firſt Predeceſſour: for what is it other to determine and decide a queſtion, then to declare, that one parte of it is to bee beleeued and followed, rowitt that the Pope cannot depriue or depoſe a Prince, and that the contrarie is to bee abiured *as impious and heretical*? And if anie Doctour of the Church ſhould define this queſtion or anie other, how can he determine more playnlie and reſolutelie. As for Example the Church

Church defineth, that there are 7. Sacraments and pronounceth *Anathema* against the contrarie opinion which saith there are but two or not. 7. Doth shee not in this define the question? Euen so our Prince and Parlament by this oathe haue decreed, that the Pope can not depose or depriue a Prince, and they oblige the Subiect to sweare this parte, and to abiure the contrarie as heresie. Is not this then to determine?

61. Whereas *Widdrington* alleageth, that the facultie of diuinitie in *Paris* and *Mentz*, doe oblige those that are to proceed Doctours, not to teach or preach publiquelie, that our B. Ladie was conceiued in originall sinne, and yet doe not define the controuersie; this maketh rather against him; for they also doe in this define, and though not absolutelie, yet as much as by theire authoritie they can; and therfore they doe not oblige their subiects to abiure as heresie the contrarie opinion of the Thomists, for that were absolutelie to determine, and to arrogate the Popes authoritie: wherefore seing that the King and Parlament doe oblige Catholickes to abiure as heresie, and vnder the penaltie also of a Premunire, that the Pope cannot depriue or depose a Prince, it followeth that they absolutelie determine of such a spirituall proposition and matter of diuinitie, & against the Practise of manie Popes, and against the decree of the Lateran Councell; and so in this they Challenge to *Disp. Th. c. 7. n. 11*

them ſelues the Popes or Churches Authoritie, to which it appertaineth to define what is hereſie; and conſequẽtlie to ſweare that this oathe is propoſed by lawfull Authoritie, is to ſweare in effect that the King and Parlament haue ſpirituall Authoritie, and that the King is ſupreame Head of the Church of *England*, and hath Authoritie to define what propoſition is hereticall. At leaſt this Argument maketh it doubtefull leaſt this Clauſe importeth thus much, and ſo is not to bee ſworne.

The Seuenth Clauſe.

And all theſe things I do plainlie and ſincerelie acknowledge and ſweare according to the expreſſe wordes by me ſpoken & without any equiuocation, or mentall reſeruation whatſoeuer. And I do make this recognition and acknowledgment hartilie, willinglie, and trulie, vppon the true faith of a Chriſtian. So helpe mee God.

D.Th. 2. 2. q. 69. a. 1. Caiet. ibid. Henric. quodl. 1. q. 44. Petrus Nauar. li. 2. de reſtit.

62. Diuines affirme that the guiltie, or ſuppoſed guiltie, is not alwaies bound to anſwer according to the Iudges meaning and intention, if the Iudge do not make his interrogations iuridicallie. The ſame Diuines affirme that a Iudge doth not make his interrogations iuridicallie, when he queſtioneth about any ſecret thing, of which there

there is not ſome fame, or report againſt the ſuppoſed guiltie; or when he examineth things, which pertaine not to his Court, but rather to the ſpirituall Court; or when there is not *ſemiplena probatio*, or *ſufficientia indicia*, or when the ſuppoſed guiltie knoweth him ſelfe innocent, for then he is not bound to anſwer according to the Iudges intention, but may equiuocate. Likewiſe when he knoweth him ſelfe innocent, and yet if he confeſſe the circumſtance, which is demaunded, he ſhould be preſumed nocent, he may denie it with an equiuocation. As for example, if one had been preſent when his companion, without his conſent, killed another, if the Iudge aske whether he was not preſent, he may denie it, meaning he was not ſo preſent, as to conſent or cooperate, for if hee ſhould confeſſe that he had bene preſent, he would be preſumed to haue conſented or cooperated, & ſo ſhould be vniuſtly condemned. Adde heereunto that the ſame Diuines affirme that we are not bound to anſwere according to the Iudges meaning, when the perſon interrogated, doubteth whether the Iudge hath Authority, or proceedeth iurjdicallie, and according to forme of lawe and equity,

cap. 4. n. 136. Leſſius lib. 2. de iuſt. & iure cap. 31. dub. 3 & alij. Vide cap. qualiter & quando, & ca. Inquiſitionis, de Accuſationibus.

Caietan. & alij ſupra citati.

63. All which beeing ſo, this Clauſe of the Oath is verie hard; for notwithſtanding (as we haue ſeene) that it is certaine that the Prince and Magiſtrate haue not Authoritie to propoſe ſuch an Oath, which containeth

ſo many things vnlawfull to be ſworne, and which ſo derogateth frō the Popes lawfull Authoritie, as alſo from Councells, and the practiſe of the Church, and which beſides that, pertaineth not to the Temporall Court and Tribunall; yet this Clauſe bindeth the ſubiects to anſwere, and ſweare without all mentall reſeruation, yea to ſweare that hartily and willingly they take this oath, whereas moſt of meere feare, and altogether againſt their wills and conſcience take it, and cannot depoſe their conſcience, or thinke that the Oath is lawfull.

Diſp. Th. ca. 8 and Newyeares guifte cap. 8.

64. *Widdrington* anſwereth that this clauſe dependeth of the lawfullnes and iuſtice of the oath, & ſeing that the oathe containeth noe iniuſtice nor falshood (as he ſaith hee hath prooued) it followeth that in this Clauſe there is no difficultie. But becauſe the wordes indeede doe imply, that wee ſweare all that goeth before, hee vſeth much arte to make this Clauſe ſpeake, not to the Authours, but to his owne minde. For whereas theſe wordes: *And all theſe things I doe plainlie and ſincerelie acknowledge and ſweare according to the expreſſe wordes by me ſpoken &c.* doe importe, according to the Common manner of ſpeaking, and vſe of wordes, that I not onlie ſincerelie acknowledge, but alſo doe ſweare (the coniunction (&) being copulatiue) yet *VViddrington* contrarie to his rule taken out of *Suarez* for the interpretation of the lawe, which in this and

Diſp. Th. 61. ſec. 2.

other

other things hee leaueth at his pleaſure; ſaith that the worde (ſweare) is not to bee referred to the former *woordes* (*and all theſe things*) but to the wordes *plainlie & ſincerelie*. As if the ſenſe were not this; I doe plainlie and ſincerelie both acknowledge and ſweare all which I haue ſpoken and auerred in this oath; but this: that which I haue acknowledged I doe plainlie & ſincerelie acknowledge, and that which I haue ſworne, I doe plainlie and ſincerelie ſweare. And this expoſitiō hee putteth, becauſe in diuers partes of the oath (as he auerreth) the ſwearer declareth and ſweareth not the thing, as for Example, that the Pope can not depoſe a Prince, but onlie what his opinion is. And this interpretation he prooueth by conferring this laſt Clauſe which the firſt. But firſt *VViddrington* herein goeth from his rule of interpreting, which is that the wordes of the Lawe, vnles ſome other circumſtāce hinder, ought to bee taken according to the common vſe of wordes. For who reading or hearing theſe wordes, *And all theſe things I doe plainlie and ſincerelie acknowledge and ſweare according to the expreſſe wordes by mee ſpoken*, would not by & by vnderſtand, that he not onlie acknowledgeth but alſo ſweareth all theſe things by him ſpoken? And as *VViddrington* prooueth his interpretation by conferring this laſt Clauſe, which the firſt and ſecond, ſo will I prooue myne by the ſame conference.

65. The first and second Clause then are these: I. *A. B. doe trulie and sincerelie acknoweledge, professe, and testifie in my Conscience before God and the world, &c.* And what doe I acknowledge Professe and testifie? that I acknowledge and testifie? that were to confound & make all one the acte of swearing and the obiect of swearing, or the thing sworne. What then doe I acknowledge, professe and testifie? That which followeth, to wit, *that our Soueraigne Lord King* IAMES *is lawfull and true King of this realme &c.* And that which followeth in the second Clause, to wit, *that the Pope neither by him selfe, nor by anie Authoritie of the Churche or Sea of Rome, or anie other meanes with anie other, hath any Authoritie to depose the King.* In these two Clauses, as euen here and aboue I haue prooued, is not protested nor sworne what the swearer thinketh for that present, because according to WIDDRINGTONS rule, that is not the playne sense of the wordes, and for that (as aboue also I haue shewed) that would litle secure the King (because he that sweareth may afterwardes chaunge his opinion and yet not contradict this his former Oath:) but the swearer *testifieth in his Conscience before God and the world* that the Pope cannot depose the King. Nowe let vs heare the last Clause: *And all these things I doe plainlie and sincerelie acknowledge, and sweare, according to the expresse wordes*

wordes by mee ſpoken, and according to the plaine and Common ſenſe, and vndetſtanding of the ſame woords, without any equiuocation, or mentall reſeruation whatſoeuer. And ſeing that amongeſt all theſe things, this is one, to wit, *that the Pope can not depoſe King* IAMES, that alſo is acknowledged and ſworne. And for as much as this Poſition, that the Pope can not depoſe a Prince, is falſe, as I haue prooued, or at moſt is but probable, and therefore in controuerſie as VVIDDRINGTON aboue confeſſeth, he that ſweareth this Clauſe expoſeth him ſelfe to periurie: becauſe if it bee but probable that the Pope can not depoſe a Prince, the contrarie, to wit that the Pope can depoſe a Prince is probable, and if it bee probable it may be true, and ſo to abiure it by oathe, is to expoſe the ſwearer to euident daunger of periurie. I ſay euident daunger; for there is euident daunger of periurie where there is euident probabilitie that the thing Sworne may be falſe, but ſo it is in our caſe, *ergo.*

66. This I thought brieflie to ſay for examination of this Oath, and ſome inſtruction for the ſubiects, eſpeciallie Catholicks, to whom this Oath is propoſed. And becauſe I haue at large in the former Chapters prooued the Principall obiect, & thing, which this Oath abiureth, to wit,

that the Pope can in ſome caſe depoſe Princes, I referre the Reader to thoſe Chapters, and withall to the whole Treatiſe for his fuller inſtruction and ſatisfaction in this matter; which if he peruſe, I doubt not, but partlie by this examination, partelie by the former Chapters, he shall ſee how vnlawfull this Oath is, and what iuſt cauſe the Chiefe Vicaire of CHRIST, S. PETERS ſucceſſour, PAVL by the grace of God, *the fift*, who now raigneth, and ſitteth at the ſterne of S. PETERS ſhip, had to forbid by his *Breues* this Oath, as containing thinges, which cannot be ſworne *without moſt euident and greeuous wronging of Gods Honour: and which are flat contrarie to faith and ſaluation.*

Litle ſecuritie giuen by Widdr. to the King.

67. But now it shall not be amiſſe to obſerue what ſecuritie *Widdr.* by his Explicatiõ of the Oath, hath procured to the King. His intention was by this fouourable Explication, to make the world to ſee, how Loyal and faithfull a ſubiect he is, whoe exempteth his Prince in Temporalities from all ſubiection to the Chiefe Paſtour, and what ſecuritie he procureth to his parſon, he hauing (if his doctrine may goe for currant) cut of all occaſions of conſpiracies and attempts of ſubiectes; the Prince by *VViddrington* being placed ſo high aboue the reache, ſo farre out of the Sphere of actiuitie of the Chiefe Paſtours Authoritie, that neither Pope nor Church can touch his crowne, or meddle which his Regalitie, by way of depriuation.

priuation. Yet if wee marke what hath been sayd by *VViddrington* in the deliuerie of his opinion and explication of the oath, wee shall finde that he hath much iniured the Chiefe Pastour in wresting from him (as much as in him lyeth) that authoritie which not onlie many his Predecessours holie and learned, but also diuers Councells euen Generall haue practised, and which the Christian world many hundred yeares hath approoued: and yet hath litle, or not at all, secured the Kings person, or assured vnto him his Crowne and Scepter.

68. For first he Confesseth in diuers places of his bookes (as wee haue Seene) that the Pope can cõmaund the Prince or cõmon wealth to vse or not vse the material sword; he admitteth also as probable, that the common wealth can depose the Prince in case of intolerable Tyrannie; and consequentlie when the Pope shall Iudge a King worthie deposition, he may according to *VViddrington* cõmaund the Common wealth, vnder payn of Excommunication, to depose the Prince, and to depriue him of Regall Authoritie. Wherin whoe soeth not, that he as litle secureth the Prince (which yet was intended by this oath) as they whoe hold, that the Chiefe Pastour, can in some case depriue a Prince. Becausе it is in effect all one daunger to the King, whether he bee deposed by the Popes peremptorie commaundement, or by his own immediat Authoritie.

Widdr. in Apol. n. 92. & 197. Disp. Th. ca. 3. sec. 4. n. 3.

69. Secondlie

Widdr. Disp. Th. in præf. n. 2. 3. & Respons. Apolog. præf. ad Lectorē. n. 8. 9. et Disp Th. 6. n. 15 & seqq.

69. Secondlie *Widdring.* affirmeth that it is but probable that the Pope can not depose a Prince, and consequentlie that it is probable that he can; and that therfore the Popes who haue deposed Princes, followed therin a probable opinió: wherby he giueth as litle securitie to the Prince, as by his former assertion. For after that *VViddrington* shall haue persuaded the Kings subiect, that it is probable that the Pope can not depose the Prince, hath he assured the Prince of his Subiectes fidelitie? nothing lesse, because this subiect with his probable opinion hauing neither euidence nor certaintie, but onlie a probable opinió which bringeth but a shewe of truth, and that ioyned with feare & vncertaintie; may vpon the least discontentment, or probable reason alleaged by others of the contrarie opinion, alter his opinion, it being not wel grounded; and so the Prince shall haue no more assurance of him, then hath the mariner of the wind in march, or the fisherman of a wet eele holden by the tayle. Which also I confirme, because the nature of a probable opinion is such, that it giueth free libertie to follow it, or the contrarie, that also being probable, & therfore in speculation wee may thinke, in practise wee may follow not onlie one probable opinion, but also the contrarie, that also being probable. whence followeth that if the Subiect heare of *VViddrington*, that his opinion, which holdeth that the Pope

can

can not depoſe a Prince, is but probable, he will chooſe the contrarie, if it be for his purpoſe, or pleaſe more his humour; and ſo will eaſilie condeſcend to thinke that the Pope can depoſe a Prince. What ſecuritie then giueth *VViddringtō* to the Prince, whoſe ſecuritie dependeth but on a probable opinion, as mutable as a rottē ſticke is brickle, or a weather cock wauering and turning. And what ſecuritie from periurie hath the Subiect to ſweare abſolutlie that which is onlie probable, and which conſequentlie may be falſe?

70. Thirdlie *VViddr.* as wee haue alſo ſeen, byndeth the Subiect to ſweare, not that the Pope can not depoſe a Prince, but onlie that he thinketh in his conſcience that he can not; and ſeing that this thinking is but a probable conceite and opinion; the ſubiect after he hath ſworn what he thinketh may, eaſilie chaunge his opinion, and yet commit no periurie, he ſwearing onlie what then he thought, not what he would thinke hereafter. *Widdr. Diſp. Th. c. 2. ſec. 2. n. 3. & c. 3. ſect. 2. n. 3.*

71. Fourthlie *Widdrington* explicating that fourth Clauſe of the oath: *And I do further ſweare that I do from any heart abhorre, deteſt, and abiure as impious and hereticall, this damnable doctrine and poſition, that Princes which bee excommunicate or depriued by the Pope, may be depoſed or murthered by their ſubiectes*, ſayth, that to make that *poſition impious and hereticall*: it is ſufficiente if one parte of it, to wit, *that Princes deprined may be mur-* *Widdr. Diſp. Th. c. 6 ſec. 2 nu. 8 & ſeqq.*

be murdered, is impious and hereticall; And ſo by his explication the Subiect ſweareth onlie in that Clauſe, that the Prince excommunicated, can not be murdered, and therfore he ſecureth the Prince onlie from killing, not from depoſition; and conſequentlie his explication contradicteth the intention of the King and Parlament, which was to ſecure the Prince not onlie from killing, but alſo, and eſpeciallie, from depoſing: partlie becauſe a King had as leaue be killed as depoſed, he by depoſition being made a priuat man, and of a King, noe King; partlie becauſe a King depoſed, is in daunger, if he perſiſt in gouernment, to be killed by his Subiects, who, if they approoue the ſentence of depoſition, hold him noe more for their King. And ſo *VViddrington* maketh the Oathe fruſtrate, and ſecureth not the King either from depoſition or killing.

72. Whence it followeth that *Widdrington* hath done ill offices to the Chiefe viſible Paſtour, in endeuouring to wreſt from him that authoritie, which he hath practiſed many hũdred yeares; & yet hath done noe good office or ſeruice to the King, hauing not ſecured him from daunger of depoſition, if ther were any daũger. I ſay, if ther were any; for although, as ſome politians will continuallie buſſe into their Princes eares conſpiracies, plots, and treacheries, that they may be thought carefull ſubiectes and neceſſarie about the Kinges perſon, ſo WID-

DRINGTON

DRNIGTON maketh shew of many bugbeares & Scarrcrowes of daungers hanging ouer the Kinges head by reason of this Catholique Common opinion by mee and others euen the most learned, defended, so to insinuate him selfe for a zealous subiect: yet if wee looke better into the matter, wee shall see, that all this is but a needles feare, & that ther is morallie nosuch thing to be feared. And therfore Catholicke Kinges notwithstanding this opinion which they approoue, do not therfore think thē selues in lesse securitie. But he will saye that our Soueraigne being of a contrarie Religion, hath iust cause to feare. Let him then write bookes to perswade his *Maiestie* to be a Catholique, and therby put him out of this pretēded feare. Yet suppose he neither will nor can perswade that; I deny that there is any such daunger, as WIDDRINGTON maketh shewe of. For bee it (as in deed it is) that the Pope can in some case depose a Prince, as when he is incompatible or intolerable for his spirituall tyrannie; yet that case happeneth seeldome, and when it happeneth, he often tymes ought not depose him, as if hee forsee more hurte then good will ensewe theron; & he must giue the Prince warning and admonition, before he pronounce sentence of Excommunication or deposition; to which if the Prince harken, the Pope can proceed no further. And if his admonition be contemned, he must not with our

Counsell

Counſell, actuallie excommunicate, or depoſe him, to which perchaunce, his Counſellers will not aggree: and if both he, and they aggree to haue him depoſed, yet the particular Subiectes can not put the Prince out of Poſſeſſion; onlie the Cõmon wealth, or publique Authoritie hath ſuch power; which yet the Common wealth can ſeeldem exequute, and is not bound alwaies to execute, but may ſtill obey the Prince Excõmunicated & depoſed in lawfull thinges, if by diſobeying him, any notable daunger is like to be incurred, as I haue shewed aboue in the thirteenth Chapter. And ſeing that theſe Circumſtances do ſeeldome all meet, depoſition of a King is *rara auis in terris*, and the exequution of the ſentence of depoſition is yet rarer, and conſequentlie not ſo much to bee feared, as *VViddrington* would haue it. And therfore *VViddrington*, if he intẽd reallie to ſecure the Prince, ſhould not defend the Oathe, as hetherto he hath done, but rather perſwaded the Prince to take it quite awaye, ther being perchaunce ſome daunger to him in vrging an odious oath apte to breed alienation in the ſubiectes myndes, and no morall daunger at all (as I haue shewed) in not vrging it at all; the ſentence of depoſition of a Prince being a rare thing, and the exequution of it farre rarer. Heere I might conclude, but that I haue a word or twoe to ſay to *Widdrington* vpon occaſion of his *Newyeares-guifte*, and as much

much to the Catholique ſubiectes concerning their obedience to the King, and laſtlie to his Maieſtie concerning his confidence which he may ſecurelie put in them.

73. WIDDRINGTON, as it is thought, maſqued with the lettres E. I. in the beginning of the laſt yeare, preſented the Catholiques of *England* with a new Explication of the Oath, or rather with an old made new, and offered it vnto them as a *New-yeares-guift* of no ſmal price and valew, as by which (as he ſayth) *they may be more ſullie inſtructed, then they haue been by I. E. the Authour of the Prelate and Prince*; whoſe explication of the Oathe, he auoucheth to the Kings moſt Excellent Maieſtie, to bee *Peſtiferous*. But as for his *Newyeares-guift*, it being cēſured in other his bookes by his Chiefe Paſtour, the Catholique hath iuſt cauſe to ſaye:

A freindlie Admonition to Widdringtō.

Ep. ad Regem.

Quicquid id eſt, timeo Danaos, & dona ferentes:
What euer it is, I feare the Greeks and bringers of ſuch guiftes.

L. 2. Aeneid.

And as for my Explication, I can aſſure the ſayd English Catholiques, that it is, and was allowed by the ſame Superiours, who haue cenſured and condēned *Widdringtons*, and it is grounded in the practiſe of ſacred Councells and holie and learned Popes, our Chiefe viſible Paſtours, and it is countenaunced by all the graueſt and lernedſt diuines, doctours, & writers, as I haue ſhewed in the eleuenth, twelfe, and thirteenth Chapters, and as VVIDDRINGTON him ſelfe knoweth,

knoweth, who confeſſeth that the opinion which holdeth that the Pope can in ſome caſe depoſe a Prince, is more Common, and conſequentlie more probable: wheras WIDDRINGTONS Authours, either ſtand againſt him, or are not of Credit in a matter of Diuinitie, or are of cracked credit, being cenſured and condemned in the *Index* of forbidden Authours. And therfore wheras he vaunteth a litle to much for one of his Cõditiõ and Qualitie, that *I ſhall shortlie heare with shame enough (bona verba quæſo) what goodlie inſtruction I haue giue*; I deſire him to take heed leaſt he shame him ſelf, as he hath to much alreadie, and more then I, or other his friends deſire: as for mee, I will not be ashamed of my Explication of the Oath, it being conformable to the aforeſayd Authoritie; let ſcãdalous or cenſured opinions and Authours blushe and shame to appeare in publique, *nihil veritas erubeſcit* (ſayth Tertullian) *niſi ſolummodo abſcondi, truth blusheth at nothing, but to be hidden*. As for *VViddringtons* tauntes, bitter, irreuerent, and immodeſt ſpeeches, which he beſtoweth to liberallie euen on the graueſt and learnedſt writers and Prelates of this age; let not *VViddrington* thinke that they eſteeme them or regard them. Such ſpeeches may diſgrace him ſelfe, but not thẽ: rather they will therby gather (as Catholickes commonlie doe) that ſuch lauish languages ſauour litle of the ſpirit of an humble, modeſt, and Catholique man, as *VViddrington* is not.

Tertull. lib cont. Valentinianos in initio.

as *Widdrington* hath been esteemed, and still desireth to be reputed. Wherfore not intending to contend with him in that kind, nor to render euill for euill, but as true Catholiques ought to do, good for euill: out of the ancient good will I haue of long tyme born, and still do beare to his parson (though I like not his proceedinges) I desire him to harken to this my ensewing good Counsell; though in so doing perchaunce (and contrarie also to my desire) I may force vpon him an vnwelcome courtesie, and an vngratefull fauour.

74. I wish him first to consider with what securitie of conscience he can still persist in the defēce of the Oath, not onlie against all the Authoritie by me and others alleaged, but also against the expresse commaundement of his chiefe and Supreame visible Pastour? he alleageth *Vasquez* oftentymes to prooue, that a man may follow in practise any probable opinion, and he seemeth to be wel conuersant in him: why then doth he not marke and make his commoditie of that Doctrine of *Vasquez* concerning the Superiour, when he commaundeth according to a probable opinion? *Vasquez*, following therin the common opinion, affirmeth that a subiect is bound to obey his lawfull Superiour when he commaundeth according to a probable opinion, though he commaund a thing which is against the Subiectes opinion,

The first good Counsell to Widdringt.

Widdr. Disp. Th. sec. 2. ca. 10. n. 56.

Vasq t. 2 disp 62. n. 32.

and that alſo probable. Out of this I frame this Argument: A ſubiect is bound to obey his lawfull Superiour when he commaundeth according to a probable opinion, though he commaund a thing againſt the ſubiectes opinion, and that alſo probable: but the Pope *VViddringtons* lawfull Superiour, commaunding *VViddrington* not to defend the Oath of pretended allegeaunce, commaundeth at leaſt according to a probable opinion: *ergo VViddrington* is bound to obey the Pope in this againſt his own opinion, though that were alſo probable. The Maior *Vaſquez* proueth; becauſe the Subiect may follow any mans probable opinion, and conſequentlie his Superiours, that alſo being probable; and if he may, he muſt; becauſe his Superiour commaundeth. The Minor *VViddrington* graunteth, and can not deny: the Concluſion then followeth, to wit, that *VViddrington* is bound in conſcience and vnder payne of mortall ſinne (the thing commaunded being of great importãce) to deſiſt from defending the oath, the Pope hauing condemned it, and commaunding him not to defend it. To ſay that the Pope is miſinformed, and that therfore his declaration and cõmaundement grounded therin, doth not bynd in conſcience, is but a poore ſtay for *VViddringtons* conſciẽce; becauſe, as *VViddrington* alleageth out of father Parſons letter, he informed him ſelfe, *of ſeauen or eight of the moſt lerned Diuines in Rome*

Diſp. Th. 10. ſec. 1. n. 53.

Rome, and ſince, he hath heard what *VViddrington* him ſelfe can ſuggeſt. To alleage his Authours, is to litle purpoſe, they being (as aboue wee haue ſeen) few, aud of litle or no Authoritie. To ſay the Pope may erre, wil as litle ſeue *VViddringtons* turne, becauſe euerie lawfull Superiour is to be obeyed when he commaundeth according to a probable opinion; though in other things, and euen in this he may erre. To anſwer that he is then onlie bound to obey his Superiour when ther is no notable daunger or domage in obeying; is as litle to the purpoſe: partlie becauſe the opinion according to which the Pope commaundeth, is more then probable, as aboue is proued; partlie becauſe though ther may be Temporall domage in refuſing to take the oath, yet for *VViddrington* not to defend it by publique writing, ther is no more daũger to him, thẽ to many moe who neuer ſet pen to paper for the defence of it; rather *VViddrington* ſhould feare the ſpirituall daunger and domage which is incurred either by defending or taken it, as his chiefe Paſtour hath aſſured him.

The ſecõd good Counſell to VViddringtõ.

75. Secondlie I wish *VViddrington* to reflect vpon his own ſelfe, and the ſtate of life to which he is called; the daũgerous courſe he runneth, and how farre he is proceeded in it; how heauie an enterpriſe he hath vndertaken, and how hardlie hee ſhall be able to goe thorough with it; whoe applaude him in it, who condemne him; what Authours he

he followeth, whō he contradicteth; whom he maketh glad, whom he contriſtateth; what a Schiſme, as it were, he hath made amongeſt ſome of his Catholique brethren, with what doubtes and Scrouples he hath troubled the myndes of others: How many wel meaning and before verie zealous Catholiques, he hath induced to take the Oath, and what ſcope he hath giuen to the perſequutour to vexe and afflict thoſe who out of conſcience refuſe to take it; how litle gratefull he hath shewed him ſelfe to the Sea Apoſtolique, which bredde & brought him vp, how much to officious to her Aduerſaries, his chiefe Applauders; what litle comfort at the hower of his death, he shall reape of theſe his labours, how much diſcomfort.

Holſome Counſell to the Catholiques.

76. And to you, worthie, conſtant, and renowned Catholiques, I giue this holſome Counſell. Seing that this Oath ſo much derogateth from the Church and her chiefe Paſtours honour and Authoritie, and giueth ſuch ſcope to her Enemies and Perſecutours; as you haue hetherto defended (& ſtill, ſauing ſome fewe, do) this Church, her faith, and Authoritie, and haue ſuſtained loſſe of libertie, liuinges, and liues, rather then you would conſent to the leaſt iniurie, which is offred her; ſo do you not (by taking this Oath) falſifie your faith to CHRIST, his Church, & chiefe Vicaire. You haue paſſed the raging ſtormes and Tem-

peſts

peſts of a Sea of Perſecution, make not ſhipwracke of all your ſpirituall marchandize and merites in the mouth of the hauen: you haue long ſince laied your hand to the plough, do not now looke backe: you haue *Luc. 9.* almoſt paſt the *red Sea* of Perſecution, *Exod. 14* which hitherto hath yeelded you paſſage, go not backe to *Aegipt*, for then you will neuer come to the *Land of Promiſe*: you haue runne a long time in the race, faint not now *1. Cor. 9.* before the goale; rather looke vp to Heauen, and you ſhall ſee the Angell houlding in his hand a crowne of glorie. *Currebatis* *Gal. 5.* *benè: quis vos impedijt veritati non obedire? You ranne well; who hindered you not to obey the truth? Perſuaſio hæc non eſt ex eo, qui vocat vos: this per-* *Ibid.* *ſuaſion* (to take this Oath) *is not of him, that called you.* It is of the Enemie, who enuyeth *Ibid.* that you ran ſo well. But *ego confido in vobis, quod nihil aliud ſapietis: I haue confidence in you* in our Lord, *that you will be of no other minde*, nor do otherwiſe, then becometh good Catholicks, and ſuch Catholicks alſo, who haue beene tried and purged in the fornace, on whome the eyes of God, his Saincts, and all the world are fixed. In the meane time, *qui conturbat vos portabit iudicium ſuum, quicunque eſt ille; he that troubleth you*, he that hath caſt ſtumbling blockes and ſcandals in your way, he that like the ſerpent hath buzzed in your eares, *ſhall beare the Iudgement of Almightie God, whoſoeuer he bee.*

77. And as I deſire you ſhould be conſtant

ſtant in your faith and Religion, obedient *to* the Church and her chiefe viſible Paſtour in all which is belonging to their Authoritie: ſo I exhort you to obey the Kings Maieſtie your Soueraige Lord and Liege in all things which appertaine to his Regall power; and ſo to giue to God, his Church, and chiefe Vicaire their due, hommage, and reſpect, as you deny not to the King
Rom. 13. *Tribute, Cuſtome, feare, honour*, obedience, fidelitie and faithfull ſeruice: & not to thinke that this which I haue ſayed in behalf of the authoritie of the Church and her chiefe viſible Paſtour, hath been to detract any the leaſt due, right, and reſpect from our Temporall Lord and Soueraigne, much leſſe to giue any waye, or ſcope to plottes, conſpiracies, or libelles, which may irritate the Prince, purchaſe no good, but rather procure diſgrace and preiudice to the cauſe for which you ſuffer. For as S. PETER telles
1. Pet. 2. you: *what glorie is it, if ſinning and buffeted you ſuffer? but if doing wel you ſuſteine patientlie, that is thanke before God, for vnto this you are called. For it is better* (as the ſame Apoſtle
1. Pet. 3. aſſureth you) *to ſuffer as doing well (if the will of God will haue it ſoe) then doing ill.* And
1. Pet. 4. therfore, ſayth he, *let none of you ſuffer as a murderer, or a chiefe, or a rayler, or coueter of other mens thinges, but if as a Chriſtian* (Catho-
1. Pet. 2. lique) *let him not be aſhamed. Bee you* therfore *Subiect to euerie humane Creatur for God, whether it be to the King as excelling, or to rulers*

as ſem

as sent from him, whether it bee to the Prelate or to the Prince, Church, or Common wealth: it hauing been my onlie intention, and the onlie drift of this booke, that Prelate and Prince should both haue their due, neither should bee iniuried.

78. And therfore I exhort you to refuse the Oathe of pretended Allegeaunce, becauſe your Chiefe viſible Paſtour, hath forbidden it, and for that, his Authoritie and Right, therin is intereſſed: and yet I would haue you alſo obey the King in all Temporall and Ciuill cauſes, becauſe ſuch obedience Gods Law commaundeth; and conſequentlie to defend his Royal parſon euen with hazard of your goods, Landes, and liues, to pray for him and his Royall poſteritie, that he may liue and raigne long in his own perſon, and after in a long poſteritie, & that he may ſoe gouern his Kingdome of England heere, as he may not looſe, but gaine, a greater Kingdome of Heauen herafter.

An humble petition to the Kings maieſtie.

79 And I moſt humblie alſo deſire his moſt Excellent *Maieſtie*, out of his rare wiſdome, deepe Iudgement, and long experiẽce, not to eſteeme thoſe his onlie faithfull Suhiectes, who are beſt Temporiſers: becauſe as many of theſe men ſerue not ſo much the King, as the tyme, and in it, their own turnes: ſo if tyme & Fortune chaũge, they alſo like the Fiſhe *Polypus* which taketh the hewe and colour of the ſtone to which it cla-

ir cleaueth, will chaunge and varie, The noble CONSTANTVS Father to CONSTANTINE *the Great*, will be vnto his *Maieſtie* a good Preſident in that Kinde. Hee on a tyme, to trye who were like to prooue his moſt faithfull Subiectes, commaunded (as EVSEBIVS relateth) that all thoſe of his Court, who would enioy his frendship, or participate of any his Honours and Dignities, which he vſed to beſtowe, should ſacrifice to the Goddes, and that they who would not, should be expelled the Court, and depriued of all honour and fauour. At which commaundement, ſome of them loath to looſe their honorable places and Dignities, obeyed the King, and forſaking Christian Religion, ſacrificed to the Idolles: others fearing God more then the King, and more him that can kill ſoule and bodye in hell, then him that can kill onlie the body, but can not touch the ſoule; left the Court and all hopes of preferrement, rather then they would leaue their Religion, or do any thing againſt their conſcience. which when the King Sawe, he called backe thoſe conſtant Christians, and reiected from his Courte and companie thoſe-falſe harted Temporizers, ſaying, that they whoe were not faithfull to God, would neuer be ſure and truſtie to the King, and that they who would not for any thing the world could afforde, forſake God or their Religion, or

Euſeb. li. de vita Conſtantini non longe ab initio.

Mat. 10.

do

do any thing against conscience, were most like to prooue most faithfull freinds and Subiectes to their Prince. Which President if his Maiestie our Soueraigne respect accordinglie, he will deeme, and shall by experience find, that those his Catholique Subiectes, who out of Religion and Conscience, stand most constantlie for their faith, the Church, and her chiefe Visible Pastour, will, out of the same Religion and conscience (which are the most strong and forcible bondes) stand most stiffelie (when occasion shalbe offered) for their King and Soueraigne, and will prooue his most obedient, peaceble, and faithfull Subiectes.

The Printer to the Reader.

Although the Authour (gentle Reader) by publishing this his Treatise so late, may seeme to haue obserued no oportunitie of time; yet I can assure thee, that it was two yeeres since readie for the presse, and much against his will hath all this while, vppon some occasions, been differred. But seeing that the Oath is still proposed by the Magistrate, and by some few also (who feare more the losse of a Temporall, then an eternall estate) taken, and moreouer defended; he shall

This is spoken of the first Edition.

shall not be like to that Phisition, who prescribeth Phisick after the disease is cured, but rather to him, who expecteth till the disease cõmeth to maturitie and ripenesse, that so shewing it selfe more euidently, he may apply the better remedie. Receaue it therefore (how late soeuer it come) and vse it for thy good, according to the Authours desire, and sincere intention.

FINIS.

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